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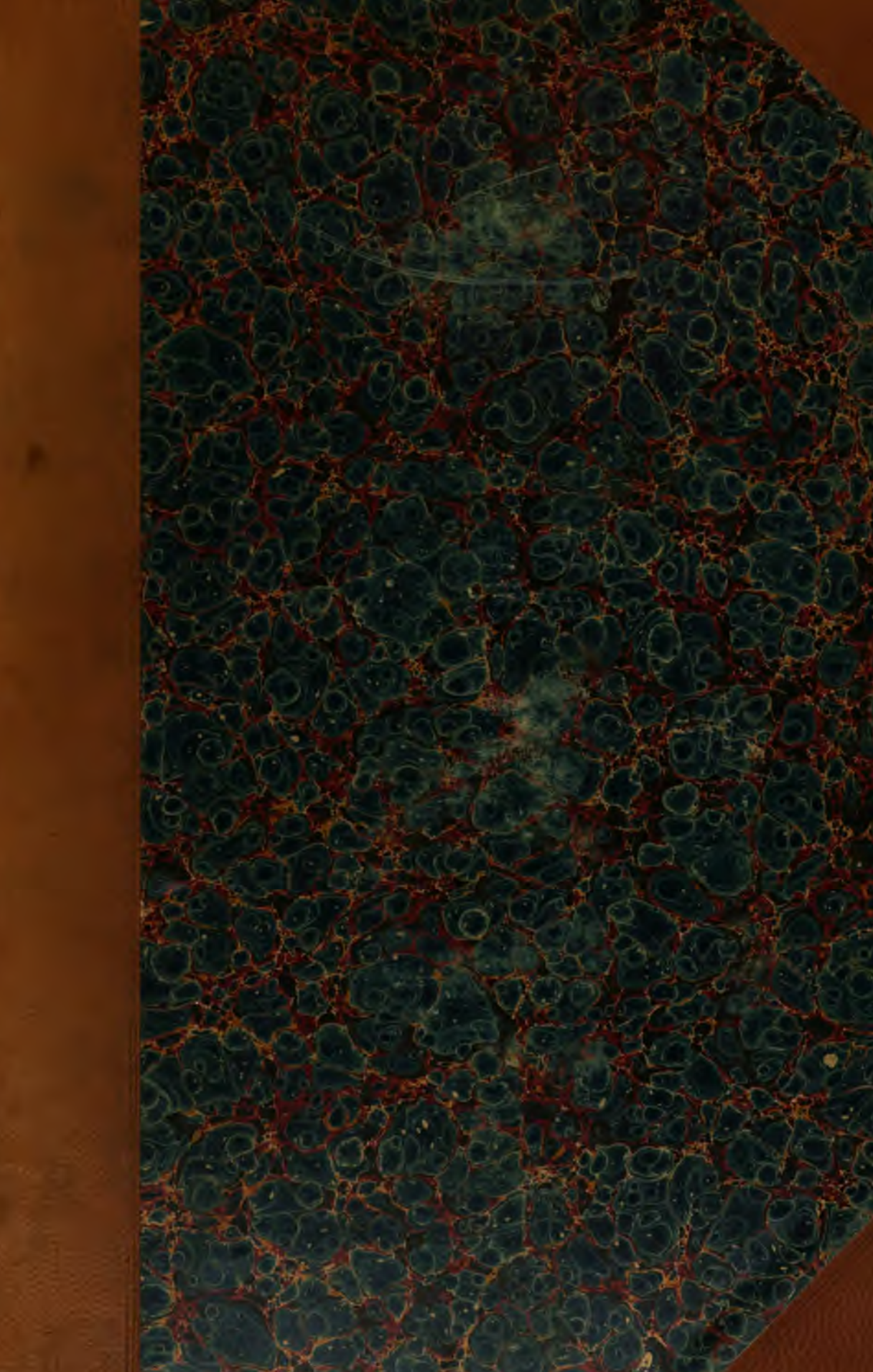
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THE  
JURIST.

VOL. VII.—PART II.

CONTAINING

ORIGINAL ARTICLES ON LEGAL SUBJECTS,  
ALL IMPORTANT STATUTES,  
THE RULES AND ORDERS OF THE VARIOUS COURTS,  
THE GAZETTES, CAUSE LISTS,  
AND MISCELLANEOUS LEGAL INFORMATION,

FOR

**THE YEAR 1843:**

WITH A

ALPHABETICAL LIST OF BANKRUPTS,

AND

INDEX OF PRINCIPAL MATTERS.

---

LONDON:

S. SWEET, CHANCERY LANE; V. & R. STEVENS & G. S. NORTON,  
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1844.



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\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	E. KEMPESON, Esq. of the Middle Temple; and G. J. P. SMITH, Esq. of the Inner Temple, Barristers at Law.
Privy Council .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Hall Court	A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
The Lord Chancellor's Court .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas	J. R. MARSHMAN, Esq. of Lincoln's Inn, Barrister at Law.
Master of the Rolls Court	G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.		
Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, JANUARY 14, 1843.

THERE are some subjects of property which in the practice of trade have a substantial and recognised value, but in regard to which, the question, whether they have legal value or not, is surrounded by some doubt. Of *this nature* is the goodwill of a trade or professional business, which is undoubtedly according to every day's practice treated as of actual commercial value, and made accordingly the subject of pecuniary contract, while its legal existence seems under some circumstances to be denied.

Goodwill may arise in two ways. It may be almost entirely personal, as in the case of the goodwill of a profession, such as that of a surgeon or an attorney; or it may be annexed to the things which constitute stock in trade, or to the reputation of the house where a particular trade has been carried on, without much reference to the persons carrying it on. The cases superficially examined, appear to indicate that the law does not recognise value in goodwill, because they have not treated it as passing as assets to the representative of a deceased owner; but the law nevertheless supports contracts for the sale of goodwill, and will sometimes, as in the case of sales of partnership stock under a decree of the Court of Chancery, refer in the decree for sale to the goodwill, as a thing whose value is to be taken into account. Hence arises an apparent vagueness in the law, which renders it in many instances extremely difficult to determine in what way the goodwill of a trade or profession is to be looked at. The difficulty will be somewhat *eluded* away by considering, not merely the forms of expression used by the Courts in cases turning upon goodwill, but the substance and principle of their decisions. Let us, for instance, look at some of the cases concerning professional goodwill. It has been held that the goodwill of an attorney's business was not a subject of administration; (*Spicer v. James*, Rolls, 1830; and

see Collyer's Partnership, 2nd edit. p. 104); and, therefore, that where an attorney died intestate, leaving a son and widow, and A. took out letters of administration to the intestate, and by agreement with the widow carried on the business till the son attained twenty-one, the son on attaining twenty-one could not charge A. in respect of the goodwill of the business. Again, in *Farr v. Pearce*, (3 Mad. 78), Sir J. Leach thought, that if there was a partnership between two surgeons, and one died, the Court would not decree a sale in the absence of special stipulation, for the purpose of ascertaining in favour of the representative of the deceased partner his share of the goodwill.

These cases might make it appear that the Court treats the value of the goodwill as a nullity. But in reality that is not the result of them. What they determine, is not the question whether professional goodwill has or has not any value, but in whom is vested the ownership of or control over the goodwill; and they shew this—that the court will not interfere against the person having such ownership or control. Sir J. Leach, in the case referred to, appears to have gone upon the principle, that the goodwill is indivisible, and cannot be separated from the person carrying on the profession. This at least seems the inference to be collected from the expressions attributed to him, “that when such partnerships determine, unless there be stipulations to the contrary, each must be at liberty to continue his own exertions; and where the determination is by the death of one, the right of the survivor cannot be affected.”

The principle therefore in regard to the goodwill of a professional business is, not that it has no legal value, but that the ownership of it cannot be separated from the person. For this reason, and not because of the non-existence of legal value, it will not pass as assets, and will, if there be a partnership, survive to, or, perhaps, to speak more accurately, remain with the surviving partner.

Let us next see whether the principles differ as regards the goodwill of a trade. In a case of *Lewis v. Langdon*, (7 Sim. 421), where the legal question was, whether the executor of a deceased partner, or the surviving partner, had the right to use the name of the firm, the Vice-Chancellor decided, that such right was with the survivor, not on the ground that it had no value, or was not capable of sale, but on this ground, that its value was in the power of the survivor. "If," said his Honor, "a partnership were carried on between A. and B., (7 Sim. 425), under the name of Smith & Co., and the surviving partner chose to discontinue the business, and to write to the customers and say, that his partner was dead, and that the business was at an end, the effect would be, that that which is said to be saleable would cease to exist. Now, what power is there in a Court of Equity to compel a partner to carry on a trade after the death of his co-partner, merely that, at a future time, the goodwill as it is called may be sold? It is plain, that, unless there is such a power in this court, it must be in the discretion of the surviving partner to determine what shall be done with the goodwill; and if that is the case, it must be his property. I cannot but think, when two partners carry on a business in partnership together, under a given name, that, during the partnership, it is the joint right of them both to carry on the business under that name, and that, upon the death of one of them, the right which they before had jointly, becomes the separate right of the survivor." *Crutwell v. Lye*, (17 Ves. 335, and 1 Rose, 123), which seems to have been thought to favour the notion that goodwill is not susceptible of legal value, determined in fact no such point. It merely determined that the sale of a trade with the goodwill, without any stipulation that the vendor should not carry on a like business, did not prevent him from carrying on such business; in other words, that the goodwill carried no more than the right to trade, with that chance of business which attached to the possession of the concern sold, and did not exclude the vendor more than a stranger, from any other chance of business.

The remaining class of cases is that where the goodwill does not form the principal element of value, as it does in professions, but is more properly an incident to the locality of the concern and to the stock in trade. And in these cases the courts have held, that though the goodwill has no separate and specific value, yet it communicates an additional value to the stock in trade or concern generally, which is susceptible of appreciation, and is to be taken into account. (*Cook v. Collingridge*, Jac. 607; and see on this *Collyer*, p. 215). Here, therefore, the course pursued is different from that pursued in reference to professional or purely personal goodwill. But the principle remains, as we submit, the same: that the court inquires where the ownership or control of the goodwill is, and finding that it attaches not merely to the person but to the subject-matter of the sale, will treat it as incidentally partaking of the nature of assets, and notice it accordingly in a decree for sale of partnership stock, or otherwise treat it as passing to the personal representative of a deceased owner.

The Queen has been pleased to grant the offices of Coroner and Attorney in Her Majesty's Court of Queen's Bench to Charles Francis Robinson, Esq., in the room of Peregrine Dealtry, Esq., deceased.

## AS TO THE INCOME-TAX CHARGED IN RESPECT OF INTEREST PAYABLE ON MORTGAGE SECURITIES.

By the 102nd section of 5 & 6 Vict. c. 35, (An Act for granting Duties on Profits arising from Property, Professions, Trades, and Offices), duty is granted on all annual interest, however secured, and in whatever manner payable.

Where it is payable out of gains or profits brought into charge by virtue of the act, no assessment is to be made upon the person entitled to the annual interest, but the whole of such gains or profits are to be charged with duty on the person liable to such annual payment, *who shall thereout deduct the duty*; and the person to whom the annual payment is made, shall allow the deduction upon the receipt of the residue of the money; and the person charged to the duties, having made the deduction, is to be discharged of so much money as the deduction amounts to, in the same manner as if the amount had been actually paid to the person to whom the annual payment is due.

Where the annual payment is receivable without deduction, by reason of its being charged on property in Ireland or foreign possessions, and where such payment is to be made from profits or gains not charged by the act, or where any interest is not reserved for the period of one year, duty is to be charged according to the provisions applicable to the third case of schedule D.

Special provision is made for the case of annual interest secured on rates or assessments not chargeable by the act as profits.

By the 103rd section it is provided, that if any person refuse to allow the deduction authorized by the act out of any payment of annual interest of money lent, or other debt bearing interest, whether the same be secured by mortgage or otherwise, he shall incur the forfeiture specified in the act; (then follows a provision in case of refusal to allow any deduction authorized to be made by the act, out of rents, annuities, and other annual payments provided for by previous sections); and all contracts, covenants, and agreements, made or entered into, or to be made or entered into, for payment of any interest, rent, or other annual payment aforesaid, in full, without allowing such deduction as aforesaid, shall be utterly void.

The foregoing provisions authorize a deduction of the duties out of annual interest, in those cases only where the interest is payable out of gains or profits charged with duty by the act. In that case the whole of the gains or profits are charged with duty on the person liable to the annual payment, he making the deduction authorized by the act, out of the annual payment, on the amount thereof. But where the interest is payable out of gains or profits not charged with duty by the act, the duty is imposed on the annual interest, according to the provisions of the second case in schedule D.

Where, however, the annual interest is charged on property not consisting of gains or profits accruing yearly or otherwise, (ex. gr. a reversionary interest or share in stock or other property), the act does not expressly authorize any deduction by the person paying the annual interest, but seems to leave the payment of the duty to the party entitled to the interest. And there seems to be a reason for this: where there are accruing gains and profits, the act assesses the party in receipt of them, without regard to the question of their being incumbered or not, but leaves him, in the event of their being incumbered, to make the deduction in his payments to the person to whom the annual interest is due. But where the gains or profits on which the interest is charged are not assessed by the act, or where there are no gains or profits presently accruing, then (in the former case, by the express terms of the act) the

person paying the annual interest is not authorized to make any deduction, as he is not liable for any duty.

Then, as to the clause *avoiding all contracts &c.*, to pay the *full amount* of annual interest *without deduction*: It is connected by the copulative "and," with the provision imposing a forfeiture in case of a person refusing to allow any *deduction authorised by the acts*, out of annual interest payable to him. But in the case of the interest being payable out of gains or profits not charged with duty, and also in the case of its being charged upon property not yielding present gain or profits, no deduction is required to be made by the act by the party paying the annual interest. Therefore, neither the clause of forfeiture, nor the subsequent provision vitiating contracts such as the above-mentioned, applies to any other case than that of the *interest being payable out of gains or profits charged by the act*. Would the party paying the interest be authorized to deduct the duty, where the former is payable out of *gains or profits not* charged by the act? Clearly not, by the very act itself; for the duty is in that case to be charged on the "*interest, annuity, or other annual payment*," by reference to the provisions of a prior clause, which, it is manifest, treat such interest as *itself* the subject of the duty, and not as made so *indirectly*, through the medium of a deduction made by a person paying duty on a *larger* amount of gains or profits, out of which the interest is paid. The latter part of the 103rd clause, in referring to "such deduction as aforesaid," clearly means, the "deduction authorized to be made by this act," spoken of in the beginning of the clause; and it has been seen that the deduction is authorized only in case of the interest being payable out of gains or profits charged with duty by the act. It therefore seems, that a covenant to pay the interest of a mortgage debt, charged solely on a *reversionary interest in stock*, without deduction on account of income or other tax, is valid, while no gains or profits charged with duty accrue.

Nor is the conclusion (as it should seem) affected by the provision in sect. 60, (under the head of the 11th rule of the 4th case in schedule D.), which, after enacting that where a mortgagee in the possession of lands is in the actual occupation he shall be chargeable as occupier, and when not in the actual occupation shall be liable to the same deduction as other landlords, enacts, that, "upon the settlement of accounts between such mortgagee or other creditor, and the mortgagor or debtor, the duty payable in respect of the amount of the interest payable upon such mortgage or other debt as aforesaid, shall be taken and allowed as so much money received by such mortgagee or other creditor on account of such interest." It is manifest that this provision contemplates only the case of a mortgagee having a charge upon property in possession, and the rents and profits whereof are liable to duty under the act, which duty the mortgagor, while he continues in possession, is to pay, deducting a proportionate part of it from the interest due to the mortgagee. Can it be said, that, if the property were *reversionary*, the mortgagor has any right to deduct the duty on the interest to be paid by him? or that, if, after the mortgagee has entered into possession, the mortgagor makes any payment of interest, the duty payable in respect of it should be deducted? In both such cases, it is conceived, the mortgagee pays his own duty; in the first case, upon the annual interest; in the other, upon the rent received or paid by himself, (according as he is occupier or landlord), and also on the amount of interest paid by the mortgagor. L.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Samuel Day, of St. Neots, Huntingdonshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

## Court Papers.

### CAUSE LISTS.—HILARY TERM, 6 VICT.

#### Court of Chancery.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. G. Pro Confesso—Pl. Plea—Ptn. Petition—R. Re-hearing—S. O. Stand Over—SA. Short.

#### JUDGMENTS.

Blandell v. Gladstone (Ap) L. C.  
Ward v. Alsager } (Causes)  
Ward v. Ward } L. C.  
Att.-Gen. v. Earl of Stamford (re-hearing) L. C.  
Herring v. Cloberry } (Ap)  
Ditto v. Sturgis } L. C.  
Knight v. Frampton (Ap) L. C.  
Scott v. Milne (Ap) L. C.  
Dowell v. Dew (Ap) L. C.  
Att.-Gen. v. George (Ap, F D) L. C.  
Jones v. Smith (Ap) L. C.  
Cooper v. Emery (Ap) L. C.  
Prendergast v. Turton (Ap) L. C.  
Cator v. Masterman (Ap) L. C.  
Lancaster v. Evors (Ap) L. C.

Oliver v. Latham (2 Ap) L. C.  
Dean and Chapter of Ely v. Bliss (Ap) L. C.  
Barnard v. Sutton (Ap, M) L. C.  
Yeld v. Simpson V. C. of E.  
Braybrooke v. Meredith V. C. of E.  
Smyth v. Griffin (D) V. C. of E.  
**PLEAS AND DEMURRERS.**  
Wolf v. Lees (D) V. C. of E.  
Perkins v. Deptford Pier Co. (D) V. C. of E.  
Sloggett v. Viand (D) S O V. C. of E.  
William v. Jones (Pl) S O V. C. of E.  
Deeks v. Stanhope (D) V. C. of E.

#### Before the LORD CHANCELLOR.

**RE-HEARINGS & APPEALS.**  
Addis v. Campbell (Ap) S O  
Ibbetson v. Ibbetson (Ap) S O  
Dartmouth Corporation v. Holdsworth (Ap) part heard  
Appleby v. Duke } (Ap)  
Ditto v. Sturgis }  
Clun Hospital v. Powis } (Ap, Ptn)  
Attorney-Gen. v. Earl } S O  
Powis }  
Clarke v. Willmot (Ap)  
M'Dermot v. Kealy (Ap)  
Williams v. Moore (Ap)  
Roberts v. Marchant (Ap)  
Lantour v. Holcombe (Ap)  
Thomas v. Jones (Ap)  
Marquis of Westminster v. Morrison (Ap)  
Ashley v. Hoskins (Ap)  
Fletcher v. Northcote (Ap) A  
Gedge v. Theine (Ap)  
Wastell v. Leslie (Ap) S O  
Meek v. Kettlewell (Ap)  
Parker v. Marchant (Ap)  
Brown v. Bamford (Ap)

Burridge v. Row (Ap)  
The Co. of Proprietors of the Sheffield Canal v. The Sheffield and Rotherham Railway Co. (Ap)  
Quinlan v. Quinlan (Ap)  
Murrall v. Sutton (Ap)  
Richards v. Macclesfield (Ap)  
Curtis v. Mason (Ap)  
Salkeld v. Johnson (Ap)  
Elliotson v. Knowles } (Ap)  
Ditto v. Lackington }  
Bampton v. Birchall (Ap)  
Bampton v. Standish (Ap)  
Frampton v. Cannon } (Ap)  
Ditto v. Whitmore }  
Attorney-Gen. v. Potter (Ap)  
Thompson v. Derham } Cause  
Fearenside v. Ditto } order,  
Patchett v. Ditto } Ap  
Barrs v. Jackson (Ap)  
Cresy v. Beaven (Ap)  
Young v. Lord Waterpark (Ap)  
Blacklow v. Laws (Ap)

#### CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

##### Before the VICE-CHANCELLOR OF ENGLAND.

Dangerfield v. Evans after Easter Term  
Osbaldeston v. Simpson (part heard)  
Ranger v. Gt. Western Railway Company } Jan. 2  
Ditto v. Ditto }  
Cooper v. Emery (E) S O  
Jenkins v. Crosse  
Roberts v. Corp. of Carnarvon }  
The Mayor of Carnarvon v. Evans }  
Attorney-Gen. v. Baines

Birch v. Joy (E 2 sets Ptn)  
Ditto v. Stigis (by order)  
Farmer v. Farmer  
Seagar v. Smith }  
Meux v. Smith }  
Minor v. Minor  
Carr v. Collins (F D, C)  
Foley v. Hill S O  
Elwin v. Williams S O  
Roberts v. Griffith S O  
Morritt v. Walton  
Pomfret v. Archbishop of Canterbury (at deft. req.) S O G  
Attorney-Gen. v. Foster (E)

Sands v. Fincham (part heard)  
 Henderson v. Banks (F D, C)  
 Cooper v. Denison (E)  
 Ditto v. Ditto (F D)  
 Norman v. Baldry (F D, C)  
 Leach v. Leach  
 Wade v. Russell  
 Bankes v. Baroness le Despencer } (F D, C)  
 Ditto v. Stapleton }  
 Pratt v. Pratt  
 Mansell v. Clarke (F D, C)  
 Ravenscroft v. Frisby } (F D, C)  
 Ashley v. Chauncey }  
 Milliar v. Lovell (F D, C)  
 Blatchway v. Taylor } (F D, C)  
 Phillips v. Bayley }  
 Hughes v. Powell (F D, C)  
 Keighty v. Lindsey } (F D, C)  
 Ditto v. Hitchens }  
 Bedwin v. Asprey } (F D, C)  
 Clowser v. Grace }  
 Bull v. Sampson (F D, C)  
 Lawson v. Anderson (F D, C)  
 Burney v. Macdonald (F D, C)  
 Sage v. Fowler } (F D, C)  
 Ditto v. Roynan }  
 Barrett v. Stockton and Darlington Railway Co. S O G  
 Penfold v. Williams  
 Crawford v. Stanbridge  
 Wroe v. Clayton (at deft. req.)  
 Potts v. Hadfield }  
 Ditto v. Bridge }  
 Bulmer v. Griffith } (F D, C)  
 Ditto v. Pritchard }  
 Elliott v. Elliott (F D, C)

*Before the Vice-Chancellor KNIGHT BAUCE.*

Griffin v. Williams  
 Cuming v. Slater  
 Hercy v. Ferrers  
 Ferrers v. Ferrers  
 Jones v. Smith S O  
 Reade v. Done S O  
 Ricardo v. Ricardo  
 Osborne v. Harvey (E)  
 Osborne v. Harvey (F D, C)  
 Sayer v. Wagstaff Jan. 20  
 Johnson v. Johnson }  
 Ditto v. Jeal }  
 Ditto v. Jeal }  
 Knapp v. Knapp  
 Compton v. Pring  
 Fenner v. Hepburn  
 Leslie v. Baillie  
 Gibson v. Russell  
 Thompson v. Cooper  
 Lord v. Bunn  
 Browne v. Wooler  
 Hawthorne v. James  
 Cave v. Cork  
 Attorney-Gen. v. Cuming  
 Sprott v. Strange  
 Pinnell v. Pinnell  
 Broadhurst v. Balguy (F D, E)  
 Ditto v. Ditto (deft.'s E)  
 Burkett v. Ransom  
 Gawn v. Gawn  
 Ede v. Knowles  
 Jones v. Lloyd  
 Bridge v. Brown (E)  
 Ditto v. Ditto (F D, C)  
 Bridge v. Unwin  
 Burton v. Manson }  
 Burge v. Ditto } (F D, equity reserved)  
 Manson v. Burton }  
 Ditto v. Burgh }  
 Bourne v. Walker (F D, C)  
 Hoare v. Hornby (F D, C)

Jumpson v. Pitches } (F D, E)  
 Dawes v. Jumpson }  
 Davis v. Pitches }  
 Carter v. Parnell }  
 Gee v. Cottle (F D, C)  
 Bealey v. Curling (F D, C)  
 Leeds v. Lord Amherst  
 Dossell v. Sayers (F D, C)  
 Cockburn v. Tolson (deft.'s objection to want of parties)  
 Author v. Author  
 Roberts v. Roberts  
 Palmer v. Marshall (F D, C)  
 Oakes v. Stuckey (F D, C)  
 Clutterbuck v. Wilkin  
 Adlington v. Monkhouse (F D, C)  
 Thompson v. Atherton } (F D, C)  
 Ditto v. Bardeswell }  
 Boodle v. Burton (E)  
 Hare v. Burdon (F D, Ptn)  
 Cruickshank v. Struth (F D, C)  
 Att.-Gen. v. Hartley } (F D, C)  
 Ditto v. Busfield }  
 Hooper v. West (F D, C)  
 Raikes v. Hall  
 Manbey v. Westmacott } (F D, C)  
 Ditto v. Spear }  
 Hughes v. Rogers (F D)  
 Davies v. Machen (F D)

*NEW CAUSES.*

Ashburnham v. Wilson  
 Snook v. Duncan  
 Roberts v. Novelli  
 Gelding v. Parker

*Before the Vice-Chancellor WIGRAM.*

Broad (pauper) v. Robinson  
 Barrow v. Webber  
 Bulwer v. Astley (re-hearing)  
 Tatam v. Williams  
 Fletcher v. Morse (F D, C) S O  
 Hughes v. Wall  
 Topham v. Lightbody Mar. 3 S O  
 Witherden v. Bradshaw  
 West v. Reid Jan. 16  
 Gray v. Garman (F D, C)  
 Jesson v. Hodgson  
 Hillersdon v. Lowe (F D, C)  
 Hancock v. Stubbins (Motion)  
 Dover v. Alexander }  
 Ditto v. Rickman }  
 Pearce v. Creswick  
 Hawkins v. Hawkins (F D, C)  
 Penruddocks v. Penruddocks S O, S A  
 Lord Sidmouth v. Gt. Western Railway  
 Cooper & Wife v. Turner  
 Barkley v. Lord Reay  
 Humble v. Shore S O  
 Mackie v. Dennistown  
 Whitaker v. Newman  
 Hilsden v. Male  
 Fisk v. Norton  
 Whitaker v. Wright (E)  
 Cox v. Knapman (6 causes, F D, C)  
 Cook v. Knapman (Cause)  
 Schultes v. Ward  
 Day & ors. v. Loader (F D, C)  
 Ryland v. Smith (F D, C)  
 Heath v. Hodgkinson }  
 Ditto v. Challiner }  
 Hodgkinson v. Walley }  
 Ditto v. Challiner }  
 Phillips v. Phillips (F D, C)  
 Bower v. Cooper (F D, C)  
 NEW CAUSE.  
 Chambers v. Bicknell

*London Gazettes.*

TUESDAY, JANUARY 10.

*BANKRUPTS.*

JOHN PRESS HOWARD, Attlebridge, Norfolk, maltster and merchant, Jan. 17 at 12, and Feb. 17 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Beckwith & Co., Norwich; Clarke & Co., 20, Lincoln's-inn-fields.—Fiat dated Jan. 9.  
 WILLIAM RICHARD KEMP, Alfred's-terrace, Holloway, grocer and tea dealer, Jan. 17 at 2, and Feb. 17 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Kine, Gracechurch-st.—Fiat dated Jan. 7.  
 FREDERICK FORD, Aldgate, draper, Jan. 13 at 3, and Feb. 10 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Bell & Co., Bow Church-yard.—Fiat dated Jan. 6.  
 WILLIAM FINCH, Batchworth-house, Rickmansworth, Hertfordshire, miller, Jan. 17 at half-past 1, and Feb. 17 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Cox, Sise-lane.—Fiat dated Dec. 20.  
 ELIZABETH CAROLINE KNUPEL, Haymarket, St. James's, Westminister, hotel keeper, Jan. 19 at half-past 12, and Feb. 21 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Jackson, Lower James-st., Golden-sq.—Fiat dated Jan. 7.  
 THOMAS WHITMARSH, Sussex Hotel, Tunbridge Wells, Kent, hotel keeper and coach proprietor, Jan. 21 and Feb. 21 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Jones & Cook, 11, Gray's-inn-square.—Fiat dated Dec. 30.  
 THOMAS WALKER, Haughton-le-Skerne, Durham, grocer, tea dealer, market gardener, and cowkeeper, Jan. 23 and Feb. 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Peacock, Darlington; Lever, King's-road, Bedford-row.—Fiat dated Dec. 29.  
 ROBERT GOODENOUGH, Newton Abbott, Devonshire, woollen draper, Jan. 19 at 2, and Feb. 21 at 12, District Court of Bankruptcy, Exeter; Off. Ass. Hirtzell; Sols. Drake, Exeter; Rhodes & Co., Chancery-lane.—Fiat dated Jan. 3.  
 ROGER ROBINSON PRESTON, Wakefield, Yorkshire, innkeeper, Jan. 23 at 1, and Feb. 13 at 11, Leeds District Court of Bankruptcy; Off. Ass. Freeman; Sol. Blackburn, Leeds.—Fiat dated Jan. 2.  
 WILLIAM BATH, Bilston, Staffordshire, brandy merchant, Jan. 17 at 2, and Feb. 15 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Willim, Bilston.—Fiat dated Jan. 3.  
 WILLIAM HORN, Stanningley, Yorkshire, hating maker and shopkeeper, Jan. 24 and Feb. 14 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sol. Naylor, Leeds.—Fiat dated Dec. 30.  
 GEORGE KNOWLES, Halifax, Yorkshire, corn dealer, Jan. 24 and Feb. 14 at 11, District Court of Bankruptcy,

**Leeds:** Off. Ass. Hope; Sols. Parker & Adam, Halifax.—  
Fiat dated Dec. 31.

**ROBERT BOAG**, Birkenhead, Cheshire, baker and flour dealer, Jan. 18 at 11, and Feb. 21 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Cornthwaite, Liverpool.—Fiat dated Dec. 24.

#### MEETINGS.

**Robt. P. Vical**, Nelson-place, Old Kent-road, linen draper, Jan. 20 at 1, Court of Bankruptcy, London, pr. d.—**John James**, Cheltenham, Gloucestershire, wine and spirit merchant, Jan. 17 at 11, Court of Bankruptcy, Bristol District, ch. ass.—**Walter Geo. Dodds**, Howford-buildings, Fenchurch-street, merchant, Jan. 26 at 1, Court of Bankruptcy, London, last ex.—**John B. Boucher**, Birmingham, shawl dealer, Jan. 17 at 12, Court of Bankruptcy, London, last ex.—**Geo. Frederick Kerchner** and **Jos. Kerchner**, Great Surrey-st., Southwark, victualler, Jan. 26 at half-past 1, Court of Bankruptcy, London, last ex.—**G. F. Kerchner**—**John Whitehall**, Wellington, Shropshire, innkeeper, Jan. 25 at half-past 12, District Court of Bankruptcy, Birmingham, last ex.—**Henry T. Elliott**, Leamington Priors, Warwickshire, music seller, Feb. 3 at 1, District Court of Bankruptcy, Birmingham, last ex.—**Richd. Southall**, jun., Birmingham, merchant, Jan. 21 at 12, District Court of Bankruptcy, Birmingham, last ex.—**Thos. Johnson**, Knaresborough, Yorkshire, draper, Jan. 30 at 1, District Court of Bankruptcy, Leeds, last ex.—**Thomas Rowell**, Cambridge, linen draper, Jan. 31 at half-past 10, Court of Bankruptcy, London, and ac.; Feb. 2 at half-past 10, div.—**Jon. Wecey**, Beech-street, Barbican, bookseller, Feb. 2 at 12, Court of Bankruptcy, London, and ac.—**Charles Holloway**, Stockbridge, Hampshire, victualler, Jan. 31 at half-past 11, Court of Bankruptcy, London, and ac.—**John Earland**, Lower Thames-street, victualler, Feb. 2 at half-past 12, Court of Bankruptcy, London, and ac.—**Hem. John Collett**, Manchester, warehouseman, Feb. 2 at 1, Court of Bankruptcy, London, and ac.—**John Reeve**, High Holborn, and Drury-lane, carver, Feb. 2 at half-past 1, Court of Bankruptcy, London, and ac.—**James N. Chapman**, Upper Holloway, licensed victualler, Jan. 31 at 11, Court of Bankruptcy, London, and ac.—**Jos. Firth**, Webber-street, Lambeth, licensed victualler, Feb. 2 at 12, Court of Bankruptcy, London, and ac.—**Charles King**, **Jos. Sandell**, and **Dav. Hen. King**, Berners-street, Oxford-street, paper stainers, Jan. 20 at 11, Court of Bankruptcy, London, and ac.; Feb. 2 at 1, div. sep. est. **Chas. King**—**Isaac N. Wigney** and **Clement Wigney**, Brighton, bankers, Feb. 2 at 11, Court of Bankruptcy, London, and ac.—**John Saunders**, **Jas. Fanner**, and **Thos. H. Saunders**, Basinghall-street, and Bradford, Wiltshire, woollen manufacturers, Jan. 20 at 12, Court of Bankruptcy, London, and ac.; Jan. 28 at half-past 12, div. sep. est. **J. Saunders**; Feb. 2 at half-past 12, div. sep. est. **Jas. Fanner** and **J. H. Saunders**—**John H. Clark** and **Hen. Charles Farrow**, King William-street, wine merchants, Jan. 27 at half-past 1, Court of Bankruptcy, London, and ac.; Feb. 2 at half-past 1, div.—**Charles Hoppe**, Blackfriars-road, chinaman, Jan. 27 at half-past 12, Court of Bankruptcy, London, and ac.; Feb. 2 at 2, div.—**J. Pepper**, Wotton-under-edge, Gloucestershire, tailor, Feb. 3 at 2, District Court of Bankruptcy, Bristol, and ac.—**John Wilkinson**, Ardwick, Manchester, innkeeper, Feb. 14 at 12, District Court of Bankruptcy, Manchester, and ac.; Feb. 15 at 12, div.—**Alexander Jacob**, Manchester, merchant, Feb. 6 at 12, District Court of Bankruptcy, Manchester, and ac.—**Alfred Walford**, Manchester, commission agent, Feb. 6 at 12, District Court of Bankruptcy, Manchester, and ac.—**Alexander Wm. Mills**, Carey-st., law stationer, Feb. 2 at half-past 10, Court of Bankruptcy, London, fin. div.—**Henry Field** and **Jas. Crane**, Bush-lane, Cannon-st., London, and Haggerstone-lane, Middlesex, varnish makers, Feb. 2 at half-past 10, Court of Bankruptcy, London, fin. div.—**James Boyd**, Welbeck-street, St. Marylebone, ironmonger, Feb. 2 at 11, Court of Bankruptcy, London, div.—**Ebenezer Bayly**, Exeter, straw bonnet dealer, Jan. 31 at 11, Court of Bankruptcy, London, div.—**John Collinson**, South Molton-lane, and South Molton-st., carpenter, Feb. 2 at half-past 11, Court of Bankruptcy, London, div.

#### CERTIFICATES

To be allowed, unless Cause shown to the contrary.

**B. Laurence**, Crown-st., Old Broad-st., merchant, Jan. 31 at 1, Court of Bankruptcy, London.—**C. Richardson**, Limehouse, timber merchant, Jan. 31 at half-past 12, Court of Bank-

ruptcy, London.—**Wm. Watts**, King's Lynn, Norfolk, grocer, Feb. 3 at 11, Court of Bankruptcy, London.—**C. Bailey**, Garlick-hill, London, wholesale druggists, Feb. 3 at half-past 12, Court of Bankruptcy, London.—**Mark Elphick**, Newington-causeway, licensed victualler, Feb. 1 at 12, Court of Bankruptcy, London.—**E. L. Mayor**, Northampton, innkeeper, Feb. 3 at 12, Court of Bankruptcy, London.—**Thos. Willcocks**, Bristol, cabinet maker, Feb. 3 at 12, Court of Bankruptcy, London.—**Hannah Charlton**, Regent-st., milliner, Feb. 1 at half-past 11, Court of Bankruptcy, London.—**W. Barton**, St. Helen's, Lancashire, watch-movement maker, Feb. 4 at 12, District Court of Bankruptcy, Liverpool.—**W. Webber**, Lincoln, tailor, Jan. 31 at 1, District Court of Bankruptcy, Leeds.—**John Sorby**, Sheffield, Yorkshire, steel manufacturer, Feb. 3 at 11, District Court of Bankruptcy, Leeds.—**Thomas Johnson**, Knaresborough, Yorkshire, draper, Jan. 30 at 1, District Court of Bankruptcy, Leeds.—**George Lee**, Leeds, woolstapler, Feb. 1 at 2, District Court of Bankruptcy, Leeds.—**Wm. Whalley**, Leeds, wool merchant, Feb. 2 at 11, District Court of Bankruptcy, Leeds.—**J. Richardson**, Leeds, wool merchant, Feb. 2 at 1, District Court of Bankruptcy, Leeds.—**Alexander Jacob**, Manchester, merchant, Feb. 2 at 12, District Court of Bankruptcy, Manchester.—**W. Bushell**, Evesham, Worcestershire, innkeeper, Jan. 31, Court of Bankruptcy, London.—**James Metcalfe**, Cambridge, upholsterer, Jan. 31, Court of Bankruptcy, London.—**Joseph Heaward**, sen., and **R. G. Beesley**, Manchester, cotton-spinners, Jan. 31, Court of Bankruptcy, London.—**Wm. Rotherham**, Shore-ditch, draper, Jan. 31, Court of Bankruptcy, London.—**Geo. Biggs**, Coal Exchange, Lower Thames-st., coal merchant, Jan. 31, Court of Bankruptcy, London.—**John Smith**, Hoo-mill, Haselor, Warwickshire, miller, Jan. 31, Court of Bankruptcy, London.—**Anthony Ball**, Bank-lane, merchant, Jan. 31, shire, flax spinner, Jan. 31, Court of Bankruptcy, London.—**Benjamin Ward**, Charlotte-terrace, New-cut, Lambeth, boot and shoe manufacturer, Jan. 31, Court of Bankruptcy, London.—**Robt. B. Thompson**, Wood-street, Cheapside, warehouseman, Jan. 31, Court of Bankruptcy, London.—**Wm. Blatch**, Grove-place, Brompton, printer, Jan. 31, Court of Bankruptcy, London.—**Mary Gilbert**, Lawrence-lane, innkeeper, Jan. 31, Court of Bankruptcy, London.—**Hamilton Wood**, Manchester, and Watling-street, London, stuff and mouseline-de-laine merchant, Jan. 31, Court of Bankruptcy, London.—**Henry Ford**, Aylesbury, Buckinghamshire, grocer, Jan. 31, Court of Bankruptcy, London.—**Thomas Morris**, New-bridge, Glamorganshire, grocer, Jan. 31, Court of Bankruptcy, London.—**John T. Bowden**, Adde-street, woollen draper, Jan. 31, Court of Bankruptcy, London.—**William Dunn**, Southampton, merchant, Jan. 31, Court of Bankruptcy, London.

#### FIATS ANNULLED.

**John Davison**, Marton, Yorkshire, farmer, and Middlesbrough, earthenware manufacturer.—**James Smith**, Old Broad-street, London, stock-broker.—**John Seader**, Soham, Cambridgeshire, grocer and draper.—**Jeremiah B. Baylis**, Rovington, Warwickshire, coal-dealer.

#### PARTNERSHIPS DISSOLVED.

**Roger W. Gem** sen., **Roger W. Gem** jun., and **Geo. Gem**, Birmingham, attorneys and solicitors.—**Stephen Walters** and **Wm. N. Reeve**, Basinghall-street, London, solicitors.

#### SCOTCH SEQUESTRATION.

**Patrick M'Alister**, Alloa, engineer.

#### INSOLVENT DEBTORS.

Saturday, Jan. 7.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

**Dani. Speakman**, jun., Church Stretton, Shropshire, out of business, No. 43,901 C.; **Wm. Smith**, new assignee, in the room of Edmund Burdekin, a bankrupt.—**John Hargreaves**, Sidhurst, and Clitheroe, Lancashire, butcher, No. 61,493 C.; **Jos. Nightingale** and **Thos. Hopwood**, assignees.—**Elizabeth Norton**, Tarporley, Cheshire, draper, No. 61,534 C.; **James Brooks**, assignee.—**Robt. Stewart**, Liverpool, master in the Royal Navy, No. 61,492 C.; **Walter Gillbanks**, assignee.—**Jas. Kippax**, Thong's-bridge, near Holmfirth, Yorkshire, toll collector, No. 60,597 C.; **Abraham Batty**, assignee.—**Thos. Meadowcroft**, Colchester, Essex, chemist and druggist, No.



£1,019 C.; Edward Sallows and John G. French, assignees.—*Lambert Fell*, West Derby, Lancashire, licensed victualler, No. 60,896 C.; Wm. Brough, assignee.—*Robert Maresden*, Bradford-moor, near Bradford, Yorkshire, labourer, No. 60,640 C.; Richard Womersley, assignee.—*John Crick*, Goswell-st., baker, No. 53,709 T.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Jan. 31, at 9.*

*Geo. L. Williams*, Augustus-square, Regent's-park, builder.—*Edwin Willington*, West Cowes, Isle of Wight, Hampshire, tea-dealer.—*Thomas Fairland*, Middle Brunswick-terrace, Barnsbury-road, Islington, artist.—*Robt. Thomas Hampson*, Upper Seymour-street, Euston-square, author.—*Francis Shannaw*, Seckford-street, Clerkenwell, manufacturer of zinc plates.—*Jas. Steel*, Praed-street, Paddington, plasterer.—*E. Lazarus*, Great Union-street, Borough-road, Southwark, out of business.—*Adolphe Adel Audy*, York-buildings, New-road, portrait-painter.—*Stephen Hobday*, Fetter-lane, out of business.—*Wm. Harvey*, Bentley-heath, South Mimms, farmer.—*John Fowler*, Goswell-street, merchant's clerk.—*Henry Dalton*, Minorics, and Aldgate, straw-bonnet maker.—*Henry Chas. Simpson*, Old-street-road, St. Luke's, Middlesex, hair-cutter and dresser.

*Feb. 2, at the same hour and place.*

*Ed. E. Everett*, Grove-place, Lisson-grove, out of business.—*Wm. Brain*, Hunter-street, Dover-road, Southwark, Surrey, out of business.—*John Jas. Sharplin*, Spring-gardens, Putney, water-carrier.—*Saml. Davies*, Albion-place, Bettlebridge, assistant to a warehouseman.—*Chas. Poole*, Salisbury-street, Bermondsey, Surrey, ship-caulker.—*John Emsen*, sen., Sawbridgeworth, Hertfordshire, and Clement's-court, Milk-street, Cheapside, out of business.—*Henry Nurse*, Old Cavendish-street, ~~London~~ *Lezey*, Manchester, and Duke-street, Aldgate, dealer in stationery.—*Thos. Evans*, Commercial-pl., Kentish-town, saddler.—*Wm. Smith*, Mount-street, Surrey, manager of the Barley Mow Inn.—*Jas. H. Apted*, Bell-st., Reigate, and Woodhatch, near Reigate, Surrey, brewer.

#### MEETING.

*Richd. Hathornthwaite*, Birkitt in Newton, near Clitheroe, and Marshaw in Over Wyresdale, Lancashire, labourer, Jan. 25 at 12, Robinson & Dodson's, Lancaster, sp. aff.

### FRIDAY, JANUARY 13.

#### BANKRUPTS.

**JAMES HENSON**, Bury-court, St. Mary Axe, upholsterer, Jan. 20 at 10, and March 3 at half-past 10, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Loftly & Potter, King-st., Cheapside.—Fiat dated Jan. 3.

**WILLIAM SMITH and JOHN STICKALS**, Queen's-buildings, Knightsbridge, cheesemongers, Jan. 24 at 1, and Feb. 24 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Sutcliffe, Bridge-st., Blackfriars.—Fiat dated Jan. 6.

**GEORGE FREDERICK COBHAM and WILLIAM BURT WRIGHT**, Camden-place, Peckham, Surrey, and Gravesend, Kent, builders, Jan. 24 at 11, and Feb. 24 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Frankham & Dixon, Basinghall-street.—Fiat dated Jan. 11.

**STEPHEN LAW**, Great Portland-street, St. Mary-le-bone, upholsterer, Jan. 20 at 1, and Feb. 24 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Ramondi & Goody, Gray's-inn.—Fiat dated Jan. 5.

**JOHN WARDLE**, Griffen-street, Shadwell, shipowner and merchant, Jan. 26 at half-past 2, and Feb. 24 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Simpson & Cobb, 11, Austin-friars.—Fiat dated Jan. 10.

**JOHN CASSON**, Liverpool, corn merchant and factor, Jan. 27 at 12, and Feb. 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Pollett; Sols. Lowndes & Co., Liverpool; Sharpe & Co., Bedford-row.—Fiat dated Jan. 10.

**JOHN DICKENSON**, Newport, Monmouthshire, butcher, Jan. 24 and Feb. 21 at 1, Court of Bankruptcy, Bristol District: Off. Ass. Miller; Sols. Protheroe & Towgood, Newport.—Fiat dated Dec. 27.

#### MEETINGS.

*Wm. Rayner and John Rayner*, Uxbridge, and Hillingdon, Middlesex, seed crushers, Jan. 26 at 11, Court of Bankruptcy, London, last ex.—*Bernard L. Watson*, Cornhill, and Gordon-

square, St. Pancras, and Queenborough, Kent, manufacturer of flags, Jan. 25 at 11, Court of Bankruptcy, London, last ex.—*Rob. Pinkerton*, Mark-lane, merchant, Jan. 24 at 1, Court of Bankruptcy, London, last ex.—*John Buckley*, Higher Crompton, near Oldham, Lancashire, coal master, Feb. 17 at 12, Manchester District Court of Bankruptcy, last ex.—*Josh. Cuttell*, Holmfirth, Yorkshire, clothier, Jan. 24 at 1, District Court of Bankruptcy, Leeds, last ex.—*Wm. Henzey Bond*, Brierly-hill, Kingswinford, Staffordshire, wine merchant, Feb. 1 at 1, District Court of Bankruptcy, Birmingham, last ex.—*Thomas Turner*, New Bond-street, upholsterer, Feb. 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Henry S. Winter*, Regent-street, milliner, Feb. 3 at 11, Court of Bankruptcy, London, aud. ac.—*Dev. B. Finn*, Nottingham, tailor, Feb. 8 at half-past 11, Birmingham District Court of Bankruptcy, aud. ac.; Feb. 9 at half-past 11, div.—*John H. Chatterton*, Nottingham, milliner, Feb. 8 at 12, Birmingham District Court of Bankruptcy, aud. ac.; Feb. 9 at 12, div.—*Wm. Green*, Birmingham, cabinet-case maker, Feb. 15 at 12, Birmingham District Court of Bankruptcy, aud. ac.—*John Lawley*, Stafford, cooper, Feb. 15 at 1, Birmingham District Court of Bankruptcy, aud. ac.—*Sam. Sedgley*, Dudley, Worcestershire, grocer, Feb. 21 at 11, Birmingham District Court of Bankruptcy, aud. ac.—*Richard Bellingham*, Wem, Shropshire, boot and shoe maker, Feb. 15 at half-past 12, Birmingham District Court of Bankruptcy, aud. ac.—*Wm. Barton*, St. Helens, Lancashire, watch-movement maker, Feb. 6 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*John O. Burnley and John Auty*, Heckmondwicke, Yorkshire, corn millers, Feb. 6 at 2, District Court of Bankruptcy, Leeds, aud. ac.—*Rich. Roby Urry*, East Retford, Nottinghamshire, coach maker, Feb. 8 at 11, District Court of Bankruptcy, Leeds, and ac. Feb. 10 at 11, div.—*Jane Macpherson*, C. Macpherson, and A. Robertson, Albemarle-st., Piccadilly, dress makers, Feb. 3 at 2, Court of Bankruptcy, London, div.—*Thos. Keasley and Jos. L. Keasley*, Long-lane, and Wyld's-rents, Bermondsey, Surrey, tanners, Feb. 3 at half-past 2, Court of Bankruptcy, London, div.—*Thos. Chapman*, jun., Chenies-st., Tottenham-court-road, and Great George-street, Euston-square, cowkeeper, Feb. 6 at half-past 11, Court of Bankruptcy, London, div.—*Jon. Thompson*, Oxford-street, Cheapside, dealer in paper-hangings, Feb. 3 at half-past 11, Court of Bankruptcy, London, div.—*John Saunders*, James Fanner, and *Thos. H. Samders*, Basinghall-street, London, and Bradford, Wiltshire, woollen manufacturers, Feb. 2 at half-past 12, Court of Bankruptcy, London, div. sep. est. of *John Saunders*.—*Isaac N. Wigney and Clement Wigney*, Brighton, Sussex, bankers, Feb. 9 at 11, Court of Bankruptcy, London, div.—*Jos. Firth*, Webber-street, Lambeth, Surrey, Feb. 9 at 12, Court of Bankruptcy, London, div.—*Thos. K. Creak*, *Jos. Corbie*, and *John Corbie*, Durand's-wharf, Rotherhithe, Surrey, mast-makers, Feb. 3 at 11, Court of Bankruptcy, London, fin. div.

#### CERTIFICATES

*To be allowed, unless Cause shown to the contrary.*

*John Grant*, Wellington-street, Strand, Feb. 3 at half-past 11, Court of Bankruptcy, London.—*J. H. Thompson*, Newcastle, Staffordshire, silk-throwster, Feb. 3 at 1, Court of Bankruptcy, London.—*Henry Fish*, Princes-row, Pimlico, painter, Feb. 3 at 3, Court of Bankruptcy, London.—*Wm. Carr*, Bartholomew-place, Bartholomew-close, timber-merchant, Feb. 6 at half-past 12, Court of Bankruptcy, London.—*C. Knight and P. Knight*, Ivy-lane, Newgate-market, salesmen, Feb. 7 at 1, Court of Bankruptcy, London.—*Alexander Mitchell*, Devizes, Wiltshire, tea-dealer, Feb. 7 at 11, District Court of Bankruptcy, Bristol.—*Richd. R. Urry*, East Retford, Nottinghamshire, coach-maker, Feb. 8 at 11, District Court of Bankruptcy, Leeds.—*Henry Tobias Smith*, York, draper, Feb. 6 at 12, District Court of Bankruptcy, Manchester.—*Wm. Barnes*, St. Paul's Church-yard, milliner, Feb. 7 at half-past 1, Court of Bankruptcy, London.—*David B. Pink*, Nottingham, tailor, Feb. 8 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. Bridge*, Deritend, Aston nigh Birmingham, boot and shoe maker, Feb. 4 at 1, District Court of Bankruptcy, Birmingham.—*John Antrobus*, Birmingham, plater, Feb. 8 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Clarke*, Rugby, Warwickshire, mercer, Feb. 6 at 1, District Court of Bankruptcy, Birmingham.—*J. Lawley*, Stafford, cooper, Feb. 15 at 1, District Court of Bankruptcy, Birmingham.—*Richd. Bellingham*, Wem, Shrop-

shire, shoemaker, Feb. 15 at half-past 12, District Court of Bankruptcy, Birmingham.—*Chas. John Chambers*, Leeds, Yorkshire, oil merchant, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—*Jos. B. Blandell*, Seacombe, Cheshire, rectifier, Feb. 4 at 11, District Court of Bankruptcy, Liverpool.—*Thos. Hartley*, Liverpool, hatter, Feb. 4 at 12, District Court of Bankruptcy, Liverpool.—*Saml. Waite*, Farnley, Leeds, Yorkshire, cloth manufacturer, Feb. 3 at 1, District Court of Bankruptcy, Leeds.—*Geo. Harker*, Sunderland, Yorkshire, farmer, Feb. 4 at 11, District Court of Bankruptcy, Leeds.—*Thos. Holyland*, Manchester, woollen-cloth manufacturer, Feb. 10 at 11, District Court of Bankruptcy, Manchester.—*Thos. Farr*, Manchester, silk manufacturer, Feb. 9 at 12, District Court of Bankruptcy, Manchester.—*James Ashwell*, Salford, Lancashire, grocer, Feb. 7 at 11, District Court of Bankruptcy, Manchester.—*Chas. Samuel Heywood* and *Wm. Heywood*, Manchester, warehousemen, Feb. 3 at 12, District Court of Bankruptcy, Manchester.—*Thomas Tomlin*, Liverpool, drysalter, Feb. 4 at 1, District Court of Bankruptcy, Liverpool.—*J. Berry*, Rugby, Warwickshire, grocer, Feb. 3, Court of Bankruptcy, London.—*A. Applegath*, Crayford, Kent, silk printer, Feb. 3, Court of Bankruptcy, London.—*James Cocker*, Barnsley, Yorkshire, dyer, Feb. 3, Court of Bankruptcy, London.—*John Strutt*, Argyle-st., Argyle-sq., lodging-house keeper, Feb. 3, Court of Bankruptcy, London.—*Frances Roberts* and *Caroline Rowe*, New Bridge-st., Blackfriars, milliners, Feb. 3, Court of Bankruptcy, London.—*G. Greenwell*, Fore-st., London, and Coventry, silk manufacturer, Feb. 3, Court of Bankruptcy, London.—*Richard Field*, Moreton in the Marsh, Gloucestershire, corn merchant, Feb. 3, Court of Bankruptcy, London.—*John Protheroe*, jun., Bristol, iron and tin merchant, Feb. 3, Court of Bankruptcy, London.—*P. Walters* and *M. Llewellyn*, Neath, Glamorganshire, timber merchants, Feb. 3, Court of Bankruptcy, London.—*T. Todd*, Manchester, dealer in cotton and woollen goods, Feb. 3, Court of Bankruptcy, London.—*J. Alexander* and *H. Gibbons*, Wolverhampton, Staffordshire, chemists, Feb. 3, Court of Bankruptcy, London.—*Benj. Paice*, New Windsor, Berkshire, victualler, Feb. 3, Court of Bankruptcy, London.—*Jeremiah Whitfield*, Bishopgate-st. Without, carpet warehouseman, Feb. 3, Court of Bankruptcy, London.—*Michael Davis*, Hatton-garden, carpet warehouseman, Feb. 3, Court of Bankruptcy, London.—*Geo. A. Cator*, Leeds, wool merchant, Feb. 3, Court of Bankruptcy, London.—*Robert Keen*, Westbury, near Glastonbury, Somersetshire, cheese factor, Feb. 3, Court of Bankruptcy, London.—*John Goodered*, sen., Piccadilly, shell-fish monger, Feb. 3, Court of Bankruptcy, London.—*Josiah Beddow* and *Fred. Berryman*, Little Love-lane, Wood-st., Cheapside, Scotch and Manchester warehousemen, Feb. 3, Court of Bankruptcy, London.

## PARTNERSHIPS DISSOLVED.

*G. P. F. Gregory* and *G. W. F. Cook*, attorneys and solicitors, law and parliamentary agents, and conveyancers.—*W. Sowter*, *Rich. Fuller*, and *J. D. Newland*, Chichester, attorneys at law and solicitors.

## SOURCE SEQUESTRATIONS.

*H. Molloy*, Dundee, merchant.—*A. Ferguson*, Edinburgh, insurance broker.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 3 at 9.

*George Dussell*, Cherry-garden-st., Bermondsey, cooper.—*Peter King*, White Conduit-terrace, Islington, out of business.—*Jesse Shaw*, Bow-yard, Grange-road, Bermondsey, carpenter.—*Wm. H. Aslat*, Mary-st., Rhodeswell, Limehouse, cooper in the West India Docks.—*S. E. Harding*, Dean-st., Soho-sq., hair dresser.—*Ralph Nielsen*, Barrett-st., Lambeth, Surrey, hair dresser.—*David Turling*, Old Ford, Bow, Middlesex, furniture broker.—*George Hardcastle*, Brick-lane, Bethnal-green, green grocer.—*H. P. Lawford*, Stafford-st., Lisson-grove, letter carrier in the Post-office.—*Hugh Graham*, Bridport-place, New North-road, Middlesex, pattern designer.—*Robt. Jarvis*, Lamb's Conduit-st., tailor.

Feb. 6, at the same hour and place.

*John Hilliard*, jun., Mortlake, Surrey, waterman.—*Robt. Gillett*, sen., Lambeth-walk, baker.—*Myer Myers*, Hounslow, general dealer.—*T. Townshend*, Harpur-mews, Theobald's-road, Red Lion-sq., cabriolet proprietor.—*G. Gwynne*, Princes-st., Cavendish-sq., experimental and operative chemist.—*Fred. Francis*, Wilton-mews, Wilton-st., Fimlico, out of

business.—*Thos. Wakeling*, Club-row, Bethnal-green, fancy box maker.—*Jas. Giller*, Fore-st., Limehouse, barge builder.—*Thomas Holt*, Great St. Helens, Bishopgate-st., out of business.—*J. Leeson*, Ranelagh-grove, Fimlico, builder's clerk.—*J. Rider*, St. Petersburg-pl., Bayswater, landscape painter.—*John Frewin*, Carnaby-st., Carnaby-market, coal dealer.—*Thomas Lucas*, Union-road, Clapham-road, Surrey, omnibus driver.

## INSOLVENT DEBTOR'S DIVIDEND.

*Christopher Bowes*, Briggate, Leeds, hat manufacturer, Jan. 14, Middleton's, Leeds: 9d. in the pound.

LONDON, EDINBURGH, and DUBLIN LIFE ASSURANCE COMPANY, 3, Charlotte-row, Mansion House, and 55, Chancery-lane, London.

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	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
20	0 19 1	1 5 6	1 11 11	1 18 4	2 4 9
30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
50	2 16 3	3 10 10	4 5 5	5 0 0	5 14 7
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# The Jurist

No. 315.

JAN. 21, 1843.

With Supplement, 28.

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LONDON, JANUARY 21, 1843.

It is impossible for any person to examine the lists of the business in the Common-Law Courts published in a late number of our work, without at once perceiving the necessity of adopting some new measures with respect to the business of the Court of Queen's Bench. There were in that Court remaining undetermined at the end of Michaelmas Term, 115 rules for new trials; two of which were moved in the Michaelmas Term of the preceding year, and nearly half in the preceding Easter Term. The number of cases in the special paper was thirty-four, whilst of enlarged rules there were seventy-three. When those were first obtained, does not appear; but there are not a few, we believe, that have been enlarged from term to term, and are coeval with the oldest new trial rules. When we turn with these numbers in our recollection to the lists of the Common Pleas, the contrast is striking. In that Court, of enlarged rules, there were, at the period we have referred to, but five; and of new trials only four, all moved in Michaelmas Term; and in the demurrer paper, seven cases. Apparently, however, to make up for this want of future business, there are to be found, under the title "Cur. adv. vult," thirteen causes; as if the Judges of this Court were compelled, by the want of occupation, to cling with a desperate fondness to the few cases brought before them. It appears, indeed, by the following extract from the "Times" of Wednesday last, that even when the term has hardly begun, this Court is left without any business to be disposed of:—

COURT OF COMMON PLEAS.—Tuesday, Jan. 17.

"Their Lordships having gone the round of the bar, called on the enlarged rules which stood in the paper, but the first of these was further enlarged till next term, and the second was struck out, and directed to be brought on in the shape of a motion, in consequence of the illness of Sir T. Wilde, who was engaged. The new

trial paper, containing but one rule for a new trial, which was undisposed of, the case of *London v. Sharp* was then called on, and as it appeared that Sir T. Wilde was also engaged in that, it was impossible to proceed with it. The Court was therefore obliged to rise at 12 o'clock."

In the Exchequer, there were of new trials standing for argument thirty-eight; in the special paper four causes, and in the peremptory paper five. And now, having made this statement, we will proceed to tell our readers the conclusions we draw from it. That the business of the Queen's Bench is greatly disproportioned to that of the other Courts, is very plain; but the causes of it are not so obvious. Our readers will no doubt agree with us in assuming that it is not owing to any difference in the ability or learning of the eminent men who fill the benches of the three Courts. Descending thence, however, to the floor, we find at the Bar of the Common Pleas only a select few of the whole body of barristers. It would be useless to repeat here the arguments that have been so often urged against the exclusive privilege of the Serjeants. The inconveniences arising from it are so well known, and so often felt, that our readers need not to be reminded of them; and the argument that it secures to that Court the advantage of having a Bar regularly practising there, and the want of which causes so much confusion in the other Courts, is answered by the remark, that, whilst it keeps the business in its present state, the want of a regular Bar is not much felt.

It is a matter, indeed, of surprise, that, after the experience which was had of the well-working of the measure, by which the Court was thrown open, no step was taken, when the royal warrant was found defective and inoperative, to supply its place by an Act of Parliament. Whilst, however, we assume it to be clear that the small amount of business in the Common Pleas is in some measure owing to the state of the Bar

of that Court, we must be cautious not to lay upon it a greater share of blame than it deserves. The Court of Exchequer is open to all the members of the Bar equally with the Queen's Bench, and yet there is in it but a small arrear of business. A part therefore of the pressure upon the latter Court must be owing to some other cause; and it may, we think, be traced to the exclusive jurisdiction exercised by it in certain cases, and which must have powerfully operated to place it in its present position. Various circumstances also have of late years combined to call this jurisdiction into a more active exercise than had ever before been known; and we are not going too far when we say, that the matters embraced by it are now almost sufficient in themselves to occupy the whole time and attention of one Court. But not to dwell upon the necessity of an alteration, we proceed to observe, that there appears to us to be two ways of effecting it—one, to check the bringing in the Queen's Bench of such actions as may be brought in the other Courts; the other, to give to the Common Pleas and Exchequer the same powers in all respects as the Queen's Bench now has. A third indeed there is, to constitute a new Court; but that would hardly be justifiable until it be proved that those we at present have are incapable of doing all that is required; and certainly the state of business in the Common Pleas affords a ready and sufficient answer to any proposition of that kind. Of the two plans we have mentioned, the latter is the more simple and easy of operation. It may, we think, be admitted that the average quantity of business would be the same in the three Courts, in all respects similarly constituted and with equal powers. Any circumstance that might occasionally disturb the equality, would, by the natural course of events, be speedily removed or counteracted by some other adventitious circumstance. Abolish the privilege of the Serjeants, and give to the Common Pleas and Exchequer all the powers now exercised by the Queen's Bench; and it can hardly be doubted that the business of each Court would speedily become equal, and with this advantage, that no control over the suitors with respect to the choice of a Court would be necessary.

To avoid the exercise of such a control is desirable, not so much on account of any doubt as to the power of the Legislature so to interfere, but of the difficulty of framing any system by which it would be attained. There would be many obstacles to it in the Common-Law Courts, which did not exist in the Court of Chancery when a somewhat similar measure was lately adopted. Indeed, it is not easy to perceive how it would be possible to provide that the number of writs issued in each of the Common-Law Courts should be equal; and even could that be done, so small is the proportion of causes that go to a trial, that the actual business of one Court might still greatly vary from that of another. On the other hand, to enlarge the jurisdiction of the Common Pleas and Exchequer, is attended with but little, if any, difficulty, and does not involve such an arrangement of details as must necessarily accompany the other measure.

That an alteration is required, every person we think will admit, and the commencement of the Session seems the fittest time for the Profession to take up the subject, and to call to it the attention of the Government and Legislature.

IN Selwyn's *Nisi Prius*, 10th edit., p. 406, the reader will find the law respecting the persons "by whom actions against Common Carriers ought to be brought" stated thus: "Where a tradesman orders goods to be sent by a carrier, as at the instant when the goods are delivered to the carrier, such delivery operates as a delivery to the purchaser, and the whole property (subject only to the right of stoppage in transitu by the seller) vests in the purchaser, he alone can maintain an action against the carrier for any loss or damage to the goods; and this rule holds as well where the particular carrier is not named by the purchaser, as where he is; and it holds as well in the case of a carrier by water, as where the goods are conveyed by land." A late decision of the Court of Queen's Bench (*Coates v. Chaplin*, 11 Law Journ. Rep., New Series, Q. B., 315; 6 Jur. 1123) shews that the above doctrine, which is correctly deduced from the previous decisions, requires some qualification; and as that case points out a better rule for determining who is the party to sue, we shall briefly notice it. The facts were, that M., D., & Co. ordered certain goods of the plaintiffs who were resident at a distance, without specifying any mode by which the delivery was to take place, and there was no evidence of any ordinary course of dealing between the parties. The plaintiffs forwarded the goods by the defendants as common carriers; whilst in their custody the goods were lost; and it was held that the plaintiffs might maintain an action. The judgment of the Court proceeded on the ground, that, as the plaintiffs were not in a situation to maintain an action against the consignees as for goods sold and delivered, the right to sue the carriers remained in them. Lord Denman, C. J., remarked upon "the consignees not having had an opportunity of accepting within the meaning of the Statute of Frauds;" and Patteson and Williams, J.J., that the plaintiffs could not maintain an action against the consignees for goods sold and delivered. It had been argued that it was sufficient if the plaintiffs could sue for goods bargained and sold, or be sued for a non-delivery. The consequence of the rule thus established will be, that where the goods sold are above the value of 10*l.*, and there is no note or memorandum in writing, unless there has been an acceptance of them within the Statute of Frauds, the vendor is the proper party to sue the carrier for the loss of them.

#### ON THE COMMENCEMENT OF PLEAS.

The Reg. Gen., Hil. Term, 4 Will. 4, r. 9, orders that "In a plea or subsequent pleading, intended to be pleaded in bar of the whole action generally, it shall not be necessary to use any allegation of *actionem non*, or to the like effect, or any prayer of judgment; nor shall it be necessary in any replication, or subsequent pleading intended to be pleaded in maintenance of the whole action, to use any allegation of *precludi non*, or to the like effect, or any prayer of judgment; and all pleas, replications, and subsequent pleadings, pleaded without such formal parts as aforesaid, shall be taken, unless otherwise expressed, as pleaded respectively in bar of the whole action, or in the maintenance of the whole action; provided, that nothing herein contained shall extend to cases where an estoppel is pleaded." Upon this rule there seems at first to have been a dif-

ference of opinion with respect to the meaning of the words "the whole action." In *Putney v. Swann*, (2 Mee. & W. 72; 5 Dowl. 296), Baron Parke expressed his opinion that the rule was "to be understood as applying to a plea pleaded in bar of the whole action, as contradistinguished from a plea in bar of the further maintenance of the action." In *Weeding v. Aldrich*, (9 Adol. & Ell. 981; 1 Per. & D. 657), which was an action of trover for several deer, one of the pleas was pleaded as to the conversion of one of them, and had no commencement with actionem non, nor any prayer of judgment. Upon demurrer to it, for this, among other causes, the court said that they acceded to the decision of the Court of Exchequer, and considered that form unnecessary. It was said in argument that there were other unreported cases in that court, to the same effect as *Putney v. Swann*. Three days however after the above decision, the Court of Common Pleas in *Upward v. Knight*, (5 Bing. N. C. 338; 7 Sc. 311), with their attention called to what Parke, B., had said in *Putney v. Swann*, decided, that a plea which was pleaded to a part of the demand in the declaration, ought to commence with the allegation of actionem non. The doubt which arose from these conflicting decisions seems to be settled by the following case. In *Ratton v. Davis*, (1 G. & D. 21; 1 Q. B. 496\*), the want of the actionem non was objected to in a plea to parcel of the demand in the declaration. *Upward v. Knight* was cited; but the court without hearing counsel on the other side declared, that they saw no reason to depart from their decision in *Weeding v. Aldrich*, and adhered to it. After this, it is probable that the Common Pleas also would follow that case, and reverse their decision in *Upward v. Knight*. That seems to treat the rule as meaning the whole cause of action, between which and the whole action there is, we think, a plain distinction. The latter is properly used to signify the mode of redressing an injury, the former the injury itself; and a plea in bar of the whole action is one which shews that it ought not to have been commenced.

Before quitting this subject we may as well notice how defects of this sort in pleadings are to be taken advantage of. As the terms of the rule are, that it shall not be necessary to commence with an actionem non, the insertion of it unnecessarily is no ground of demurrer; and the only course is to apply by motion or summons to strike it out. (*Bacon v. Ashton*, 5 Dowl. 94). But the improper omission of it is a ground of special demurrer. (*Harvey v. Graham*, 5 Adol. & Ell. 61). The rule with respect to signing judgment is, that where the plea professes to be pleaded to the whole of the count or declaration, but is in fact only an answer to part, the plaintiff cannot sign judgment, but must demur. But if it be pleaded only to a part, then, whether it is in fact an answer to that part only, or to the whole, the proper course is to sign judgment. If however it be accompanied by another plea, which goes to the whole declaration, the plaintiff may demur. The reader who is desirous of further information upon the subject may refer to 1 Str. 303; 1 Saund. Rep. 28, n. 3; and the judgment of Bosanquet, J., in 6 Bing. 595.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Charles Butlin, of Snenont Hermitage, Nottinghamshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—Edward James Herbert, commonly called Viscount Clive, for the county of Salop, (Northern Division), in the room of Sir Rowland Hill, Bart., now Viscount Hill.

\* The New Series of Messrs. Adolphus & Ellis's Reports are to be thus cited.

## London Gazetteers.

TUESDAY, JANUARY 17.

### BANKRUPTS.

- WILLIAM MAYHEW**, Crutched-friars, and De Crespigny-place, Camberwell, Surrey, wine merchant, Jan. 25 at half-past 10, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Bird, Lincoln's-inn-fields.—Fiat dated Jan. 9.
- JOHN LATTIMER**, Hanslope, Buckinghamshire, corn factor, Jan. 26 at 2, and March 7 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Robinson & Drury, Tokenhouse-yard.—Fiat dated Jan. 10.
- THOMAS EDWARD CLARKE**, Acle, Norfolk, apothecary, Feb. 2 at 1, and March 2 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Beckwith & Co., Norwich; Clarke & Co., Lincoln's-inn.—Fiat dated Jan. 14.
- JAMES MAY**, Clapham-rise, Surrey, china and glass dealer, Jan. 27 and Feb. 24 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Watson, jun., 4, Trafalgar-sq.; Cole, 14, Tokenhouse-yard.—Fiat dated Jan. 9.
- WILLIAM INMAN WELSH**, Great Queen-street, Lincoln's-inn-fields, and Wells, Somersetshire, attorney and solicitor, Jan. 27 at 2, and Feb. 22 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Richards & Walker, Lincoln's-inn-fields.—Fiat dated Jan. 13.
- JOSEPH HORATIO RITCHIE**, Clyde-dock, Rotherhithe, Surrey, shipwright, Jan. 28 at 1, and Feb. 28 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Swain & Co., 6, Frederick's-place, Old Jewry.—Fiat dated Jan. 13.
- WILLIAM HUMPHREY**, Old Dorset-place, Clapham-rd., Surrey, dealer in furniture, Jan. 31 and Feb. 12 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Ashurst, Cheap-side.—Fiat dated Jan. 14.
- THOMAS HUGHES**, Great Coram-street, Brunswick-sq., lodging-house keeper, Jan. 31 and Feb. 27 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Pinniger, Gray's-inn-square.—Fiat dated Jan. 12.
- JOHN JARDINE**, Liverpool, merchant, ship-builder, and ship-owner, Feb. 6 at 1, and March 1 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Holden & Clarke, Liverpool; Walmaley & Co., Chancery-lane.—Fiat dated Jan. 11.
- JOHN LINSKILL**, Bridlington, Yorkshire, schoolmaster and bookseller, Jan. 28 and Feb. 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Jennings & Conyers, Great Driffield.—Fiat dated Jan. 4.
- JOHN NORFOLK** and **EDWARD BARKER**, jun., Leeds, dyers, Jan. 30 at 2, and Feb. 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Barr & Co., Leeds; Fildes, 3, Paper-buildings, Temple.—Fiat dated Jan. 13.
- RICHARD DUNN** and **RICHARD DACRE DUNN**, Wakefield, Yorkshire, corn-factors and merchants, Feb. 2 and 23 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Payne & Co., Leeds; Wilson, 6, Southampton-street, Bloomsbury.—Fiat dated Jan. 12.
- JOHN COLEMAN**, Birmingham, victualler, Jan. 20 and Feb. 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Benson, Birmingham.—Fiat dated Jan. 2.
- JOHN HOYLE ORMEROD**, Manchester, wine-merchant, Jan. 27 and Feb. 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sol. Heath, Manchester.—Fiat dated Jan. 10.
- WILLIAM THOMPSON**, Lytchet Minster, Dorsetshire, merchant and lime-burner, Jan. 26 at 3, and Feb. 21 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Parrs, Poole; Holme & Co., New-inn.—Fiat dated Jan. 11.
- MARTHA GROVES**, widow, York, joiner, Jan. 31 and Feb. 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Wood, York.—Fiat dated Jan. 11.

### MEETINGS.

**Henry Blackman**, Cranbrook, Kent, grocer, Jan. 23 at 12, Court of Bankruptcy, London, last ex.—**T. Ridgway**, Huddersfield, Yorkshire, wool-merchant, Jan. 27 at 12, Court of Bankruptcy, London, last ex.—**Jas. Meredith**, Pershore, Wor-

cestershire, woolstapler, Feb. 17 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Mary Manwaring*, Gornal, Sedgely, Staffordshire, grocer, Feb. 1 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—*David Thomas*, Manchester, merchant, Feb. 2 at 11, District Court of Bankruptcy, Manchester, last ex.—*Wm. Starie*, Cutler-street, Houndsditch, carpenter, Feb. 9 at 11, Court of Bankruptcy, London, aud. ac.—*Chas. Newman*, Scrips, Little Coggeshall and Great Coggeshall, Essex, and Llanon, Carmarthenshire, miller, Feb. 9 at 12, Court of Bankruptcy, London, aud. ac.—*Jas. Palmer*, Lynn, Norfolk, draper, Feb. 9 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Dedman*, Bryanstone-st., Portman-square, grocer, Feb. 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—*John Badcock*, Shrivenham, Berkshire, grocer, Feb. 9 at 11, Court of Bankruptcy, London, aud. ac.—*Jos. Vanderlyn*, Houndsditch, tailor, Feb. 9 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Dani. Hodgson*, Sandwich, Kent, banker, Feb. 4 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Long*, Chelsea, coal-merchant, Feb. 11 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Stephen Cox*, Hendon, and Bruiswick-street, Stamford-street, Surrey, horse-dealer, Feb. 9 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Emmett* and *Arthur Emmett*, Old Kent-road, Surrey, market-gardeners, Feb. 11 at 1, Court of Bankruptcy, London, aud. ac.—*Stephen White*, Lamb's Conduit-street, Holborn, surgeon, Feb. 8 at 11, Court of Bankruptcy, London, aud. ac.—*W. Hoare*, Alstonefield, Staffordshire, apothecary, Feb. 14 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Ilen. Fullford*, Birmingham, draper, Feb. 14 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry C. Jeffreys*, Much Wenlock, Shropshire, miller, Feb. 3 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Horton Payn*, Liverpool, master-mariner, Feb. 9 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*James Ellis*, Bengal, merchant, Feb. 7 at 11, Court of Bankruptcy, London, fin. div.—*John C. Gummer*, Hart-street, Mark lane, wine-merchant, Feb. 7 at 12, Court of Bankruptcy, London, div.—*Henry S. Winter*, Regent-st., Middlesex, milliner, Feb. 7 at 11, Court of Bankruptcy, London, div.

#### CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

*Jas. Triggs*, Southampton, upholsterer, Feb. 9 at 11, Court of Bankruptcy, London.—*Jos. Jackson*, Romsey Extra, Southampton, slate merchant, Feb. 9 at 11, Court of Bankruptcy, London.—*Thos. Fielder*, Brewer-street, Somers-town, baker, Feb. 9 at 3, Court of Bankruptcy, London.—*Wm. Walker*, Drury-lane, looking-glass manufacturer, Feb. 7 at 3, Court of Bankruptcy, London.—*Alexander Gibson*, High-st., White-chapel, grocer, Feb. 7 at half-past 2, Court of Bankruptcy, London.—*Ebenezer Bayly*, Exeter, Devonshire, straw-bonnet dealer, Feb. 7 at 2, Court of Bankruptcy, London.—*Charles Goodman*, Northampton, cutler, Feb. 9 at 1, Court of Bankruptcy, London.—*Adolphe Laurier* and *Jos. Lock*, Wood-st., importers of foreign goods, Feb. 9 at half-past 1, Court of Bankruptcy, London.—*Wm. Miles Atkinson*, Carlton, and Beccles, Suffolk, maltster, Feb. 9 at half-past 12, Court of Bankruptcy, London.—*Hen. Young*, Southampton, builder, Feb. 9 at 1, Court of Bankruptcy, London.—*John Gardner*, sen., Godalming, Surrey, common brewer, Feb. 9 at half-past 12, Court of Bankruptcy, London.—*Thos. Robinson*, Leadenhall-street, tallow merchant, Feb. 9 at 1, Court of Bankruptcy, London.—*Wm. Nairn* and *Jas. Liston*, Tower Royal, Watling-street, linen-cloth manufacturers, Feb. 7 at half-past 11, Court of Bankruptcy, London.—*Wm. Dedman*, Bryanstone-st., Portman-sq., grocer, Feb. 7 at half-past 12, Court of Bankruptcy, London.—*Gurney Croasdill*, Holy Cross, Westgate, Canterbury, Feb. 9 at 2, Court of Bankruptcy, London.—*Wm. L. F. Tollemache*, Keston and Locks Bottom, Kent, and Penton-lodge, Andover, Hampshire, horse dealer, Feb. 8 at 12, Court of Bankruptcy, London.—*John Thomas Ring*, Crimscoot-street, Bermondsey, Surrey, carpenter, Feb. 11 at half-past 12, Court of Bankruptcy, London.—*T. M. Conkey*, Lambeg, Down, bleacher, Feb. 8 at 11, District Court of Bankruptcy, Liverpool.—*John H. Chatterton*, Nottingham, milliner, Feb. 8 at 12, District Court of Bankruptcy, Birmingham.—*William Pugh*, Bristol, cabinet maker, Feb. 14 at 11, Bristol District Court of Bankruptcy.—*Geo. Hutton*, Liverpool, ship chandler, Feb. 10 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Green*, Birmingham, cabinet-case

maker, Feb. 8 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. Hoare*, Alstonefield, Staffordshire, apothecary, Feb. 14 at 11, District Court of Bankruptcy, Birmingham.—*Hen. Fullford*, Birmingham, draper, Feb. 14 at half-past 11, District Court of Bankruptcy, Birmingham.—*Peter Wright*, Leeds, Yorkshire, grocer, Feb. 9 at 2, District Court of Bankruptcy, Leeds.—*Joseph Beanland*, Birkenshaw Bottoms, Birstall, and Bradford, Yorkshire, woolstapler, Feb. 8 at 12, District Court of Bankruptcy, Leeds.—*R. Haslam*, Little Bolton, Lancashire, cotton spinner, Feb. 9 at 12, District Court of Bankruptcy, Manchester.—*Joseph Lane*, sen., Stockport, Cheshire, cotton manufacturer, Feb. 9 at 12, District Court of Bankruptcy, Manchester.—*Wm. E. Oldham*, Manchester, commission agent, Feb. 8 at 12, District Court of Bankruptcy, Manchester.—*Wm. Brown*, Manchester, stuff manufacturer, Feb. 8 at 12, District Court of Bankruptcy, Manchester.—*Rob. Marsh*, Upholland, Lancashire, provision dealer, Feb. 7, Court of Bankruptcy, London.—*W. Mearns*, Liverpool, shawl dealer, Feb. 7, Court of Bankruptcy, London.—*Chas. Timmis*, Stone, Staffordshire, flint grinder, Feb. 7, Court of Bankruptcy, London.—*Robt. Brown*, East Stour, Dorsetshire, miller, Feb. 7, Court of Bankruptcy, London.—*John Ford*, Stockport, Cheshire, hat manufacturer, Feb. 7, Court of Bankruptcy, London.—*George Daniel Carey*, Basford, Nottinghamshire, hat manufacturer, Feb. 7, Court of Bankruptcy, London.—*Henry Carey*, Nottingham, hat manufacturer, Feb. 7, Court of Bankruptcy, London.—*J. Howarth*, Rochdale, Lancashire, flannel manufacturer, Feb. 7, Court of Bankruptcy, London.—*Joseph Hurley*, Woburn, Bedfordshire, plumber, Feb. 7, Court of Bankruptcy, London.—*Geo. Fred. Kerschner*, Great Surrey-st., Southwark, victualler, Feb. 7, Court of Bankruptcy, London.—*Wm. Langmead*, Teignmouth, Devonshire, banker, Feb. 7, Court of Bankruptcy, London.—*John Saunders*, jun., Paternoster-row, bookseller, Feb. 7, Court of Bankruptcy, London.—*John Horatio Clark*, King William-st., wine merchant, Feb. 7, Court of Bankruptcy, London.—*John Pickering*, Loughborough, Leicestershire, wine and spirit merchant, Feb. 7, Court of Bankruptcy, London.—*John Ralford*, Tiverton, Devonshire, upholsterer, Feb. 7, Court of Bankruptcy, London.—*Joseph Bradbury* and *R. Bradbury*, Greenacres-moor, Oldham, Lancashire, cotton-spinners, Feb. 7, Court of Bankruptcy, London.—*E. Massey* and *R. Lambert*, Watling-st., warehouseman, Feb. 7, Court of Bankruptcy, London.

#### FIAT ANNULLED.

*James Hedgman*, High Holborn, dealer in leather.

#### PARTNERSHIP DISSOLVED.

*Edward Daniel*, *John Daniel*, and *Edward Daniel*, jun., Bristol, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Peter Bruce*, Glasgow, rag merchant.—*John M'Kay*, Glasgow, draper.—*John Cross Buchanan*, Esq., Auchentoshan, deceased.

#### INSOLVENT DEBTORS.

Saturday, Jan. 14.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Cause.

*Wm. Baldwin*, Little Newport-st., Soho, gaiter maker, No. 54,068 T.; *Wm. Whipham*, assignee.—*Thos. Coppock*, Salford, Lancashire, licensed victualler, No. 61,546 C.; *John Senior*, assignee.—*Samuel Russell*, Chester-terrace, Borough-road, Southwark, engraver, No. 54,210 T.; *Matthew Truman* and *Samuel Dixon*, assignees.—*John Chapman*, sen., Sheffield, Yorkshire, saw-handle maker, No. 60,711 C.; *Jas. S. Goepel*, assignee.—*Barnaby Davies*, Swinmore-common, Bosbury, Herefordshire, wheelwright, No. 60,782 C.; *John Bosley*, assignee.—*James Angles*, Seymour-place, Locksfields, Walworth, Surrey, tailor, No. 54,087 T.; *Wm. Lamb*, assignee.—*Edw. Alford*, Westminster-bridge-road, Lambeth, Surrey, upholsterer, No. 54,215 T.; *John Hartill*, assignee.—*Saml. R. Gilbert*, Berkshire, attorney at law, No. 54,160 T.; *W. E. Goatley*, assignee.—*Thos. Henry Paine*, Nole-green, Staines, Middlesex, licensed victualler, No. 53,997 T.; *Alfred N. Wickes*, assignee.—*Margaret Gordon*, Chobwell, Lancashire, out of business, No. 60,608 C.; *James Woodward*, assignee.—*John Muir*, Leicester, traveller to a tea dealer, No. 60,731 C.; *A. Stevenson*, assignee.



*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 7, at 9.*

*John George Newcombe*, Bethnal-green-road, wholesale potato salesman.—*James Woodman*, Richmond, Surrey, hair dresser.—*Job Ryall*, Albion-st., Rotherhithe, green grocer.—*John Gattley*, Millbank-st., Westminster, waterman.—*John Boulter*, jun., High-st., Poplar, waterman.—*Henry Hedges*, Half Moon-crescent, White Conduit-fields, Islington, working jeweller.—*Wm. McIntosh*, Upper Grafton-st., Fitzroy-sq., coach maker.—*Robert Butts*, Church-st., Hackney, registrar of births.—*Josiah Bird*, Crescent-st., Euston-sq., cab driver.—*J. P. Attack*, Queen's-buildings, Brompton-terrace, Brompton, tailor.—*Thomas Kefford*, Hitchin, Hertfordshire, fish-monger.—*John Houston*, Cleveland-st., Fitzroy-sq., coach painter.—*John Cory Fox*, Moon-st., Islington, clerk to an accountant.

*Feb. 9, at the same hour and place.*

*James Gordon Bradley*, Park-st., Camden-town, artist.—*J. K. Stewart*, Wellington-buildings, King's-road, Chelsea, out of business.—*John Camp*, Tottenham-court-road, flute-maker.—*Isaac Worley*, Fish-st.-hill, coffee-house keeper.—*Alexander Cochrane*, Stanhope-st., Clare-market, and Chancery-lane, out of business.—*James C. Rogers*, Chapman-st., Cannon-st., mariner.—*Daniel W. Clark*, Lower Thames-st., fishmonger.—*E. P. Magee*, Red Lion-st., Borough-market, Surrey, potato salesman.—*Jonathan Huggins*, York-place, Bethnal-green, engraver.—*Joseph Benj. Hulchings*, Thanet-place, Temple-bar, tortoise-shell worker.—*John Wm. Fraser*, King William-st., and Wallbrook, inventor of improvements in submarine and salvage apparatus and machinery.

#### MEETINGS.

*Thomas Dutton*, Potterneston, near Leeds, Yorkshire, gentleman, Feb. 9 at 7, Hanson's, Leeds, sp. affairs.

### FRIDAY, JANUARY 20.

#### BANKRUPTS.

**CHARLES EVANS**, Whitechapel-road, potato and coal dealer, and Houndsditch, corn dealer, Feb. 1 and March 7 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Watts, 231, Bermondsey-st.—Fiat dated Jan. 12.

**SAMUEL MAW LONG**, North-lodge-farm, Enfield, Middlesex, lime burner and cattle dealer, Jan. 26 at 10, and Feb. 24 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Lawrance & Blenkarne, Bucklersbury.—Fiat dated Jan. 9.

**DANIEL KERL PRICE and DANIEL PRICE**, Pilgrim-st., Ludgate-hill, warehousemen and importers of fancy goods, Feb. 3 at 2, and March 3 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Armstrong, 33, Old Jewry.—Fiat dated Jan. 9.

**WILLIAM HARRY WOODALL**, Bishopsgate-st. Without, woollen draper, Feb. 4 at 2, and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Goddard, 101, Wood-st., Cheapside.—Fiat dated Jan. 16.

**RICHARD HUNT**, Kingston-upon-Hull, hosier, Feb. 1 at 11, and Feb. 22 at 1, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Haigh, Horbury, near Wakefield.—Fiat dated Jan. 10.

**JAMES SENIOR**, Lascell's-hall and Waterloo, Kirkheaton, Yorkshire, manufacturer of fancy cloths and common brewer, Feb. 2 at 2, and Feb. 23 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Barker & England, Huddersfield.—Fiat dated Jan. 12.

**WILLIAM MORGAN**, Cheltenham, Gloucestershire, builder, carpenter, and joiner, Feb. 3 at 12, and March 3 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Packwood, Cheltenham.—Fiat dated Jan. 16.

**ELIZABETH EDGE**, Dawley-green, Dawley, Shropshire, victualler, Jan. 28 and Feb. 22 at half-past 2, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bradley, Wellington.—Fiat dated Jan. 4.

**EDWARD THOMAS HALL and JAMES HALL**, Leeds, Yorkshire, flax spinners and manufacturers, Jan. 31 and Feb. 28 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Blackburn, Leeds; Walker, 13, Farnival's-inn.—Fiat dated Jan. 29.

#### MEETINGS.

*Thos. Hen. Munday*, Fore-street, Cripplegate, bookseller, Feb. 4 at half-past 12, Court of Bankruptcy, London, pr. d.—

*Thos. Gales*, Wm. John Guest, John F. Naisby, and Matthew Kirtley, Hylton, Durham, ship builders, Feb. 6 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—*C. Wm. Walthew*, Poultry, chemist, Jan. 31 at 12, Court of Bankruptcy, London, last ex.—*J. Simmons*, Longwick, Princes Risborough, Buckinghamshire, corn dealer, Feb. 2 at half-past 12, Court of Bankruptcy, London, last ex.—*Henry Hilton*, Over Darwen, Lancashire, bleacher, Feb. 8 at 12, District Court of Bankruptcy, Manchester, sp. aff.—*Thos. Wileman*, Earl Shelton, Leicestershire, hosier, Feb. 16 at 1, District Court of Bankruptcy, Birmingham, last ex.—*Isaac Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *J. Davison*, Marton, Yorkshire, farmer, Feb. 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Joseph Ankers*, Birmingham, grocer, Feb. 1 at half-past 12, Birmingham District Court of Bankruptcy, last ex.—*Rich. Coulsell*, Milton next Gravesend, Kent, victualler, Feb. 13 at half-past 1, Court of Bankruptcy, London, aud. ac.; Feb. 17 at 12, div.—*Edw. Bright*, Picket-street, Strand, draper, Feb. 7 at half-past 12, Court of Bankruptcy, London, aud. ac.; Feb. 11 at half-past 1, fin. div.—*Geo. Guilford*, North Shields, Northumberland, ship owner, Feb. 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 14 at 12, div.—*John G. Pallister and James May B. Newrick*, Sunderland, Durham, grocers, Feb. 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 14 at 11, div.—*Wm. Tomkinson*, Stoke-upon-Trent, Staffordshire, wine and spirit merchant, Feb. 14 at half-past 11, Birmingham District Court of Bankruptcy, aud. ac.—*Joze L. Fernandes*, *Novell L. Fernandes*, and *Joze L. Fernandes*, jun., Wakefield, Yorkshire, corn millers, Feb. 20 at 12, District Court of Bankruptcy, Leeds, aud. ac.; Feb. 22 at 12, div.—*Wm. Holt*, Mansfield, Nottinghamshire, hatter, Feb. 16 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*James Buxton*, *John Buxton*, and *Thos. Buxton*, Leaven-grove-mill, near Rochdale, Lancashire, cotton spinners, Feb. 20 at 12, Manchester District Court of Bankruptcy, aud. ac.; Feb. 21 at 12, fin. div.—*Ths. S. Plude*, Mincing-lane, wine and spirit broker, Feb. 10 at half-past 12, Court of Bankruptcy, London, div.—*Daniel Campbell*, Cleveland-row, St. James, Westminster, merchant, Feb. 7 at half-past 12, Court of Bankruptcy, London, fin. div.—*And. McKenzie and Jas. Haig*, Derby-st., Rosemary-lane, merchants, Feb. 10 at 12, Court of Bankruptcy, London, fin. div.—*T. Turner*, New Bond-street, upholsterer, Feb. 13 at half-past 12, Court of Bankruptcy, London, div.—*Robert Richards*, *Jas. Briant*, and *J. Coker*, Shadwell, rope makers, Feb. 10 at half-past 12, Court of Bankruptcy, London, fin. div.—*John Philpott*, St. Swithin's-lane, victualler, Feb. 10 at 1, Court of Bankruptcy, London, fin. div.—*George Dorrington*, Percival-street, Goswell-road, printer, Feb. 10 at 12, Court of Bankruptcy, London, fin. div.—*John Thomas Scott*, Milton next Gravesend, Kent, estate agent, Feb. 10 at 11, Court of Bankruptcy, London, fin. div.—*Henry Capel*, Cooper's-row, Tower-hill, spirit merchant, Feb. 10 at half-past 11, Court of Bankruptcy, London, fin. div.—*Thos. Long*, Beaufort-place, St. Luke, Chelsea, coal merchant, Feb. 14 at half-past 12, Court of Bankruptcy, London, div.—*John Emmett and Arth. Emmett*, Old Kent-road, Surrey, market gardeners, Feb. 14 at 1, Court of Bankruptcy, London, div.—*W. Morris*, Long-lane, Bermondsey, leather dresser, Feb. 10 at 12, Court of Bankruptcy, London, div.—*G. Suggett*, Barbican, merchant, Feb. 10 at 11, Court of Bankruptcy, London, fin. div.—*J. Wilkinson*, Ardwick, Manchester, innkeeper, Feb. 14 at 12, Court of Bankruptcy, Manchester, pr. d., aud. ac., and div.—*Edw. Milnes*, Bradford, Yorkshire, innkeeper, Feb. 13 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES

*To be allowed, unless Cause shown to the contrary.*

*John Groombridge*, Crimscoot-street, Bermondsey, carpenter, Feb. 11 at half-past 12, Court of Bankruptcy, London.—*Walter Oliver*, Maidstone, Kent, upholsterer, Feb. 14 at 2, Court of Bankruptcy, London.—*Wm. Castle*, Wanborough, Wiltshire, sheep-dealer, Feb. 15 at 11, District Court of Bankruptcy, Bristol.—*John Bond*, jun., St. Thomas the Apostle, Devonshire, cooper, Feb. 14 at 12, District Court of Bankruptcy, Exeter.—*Wm. Holt*, Mansfield, Nottingham, hatter, Feb. 16 at 12, District Court of Bankruptcy, Leeds.—*Peter Ditchfield*, Hindley, Lancashire, cotton-spinner, Feb. 15 at 12, District Court of Bankruptcy, Manchester.—*Saml. B. Lines*, Oldbury, Halesowen, Shropshire, grocer, Feb. 11 at



12, District Court of Bankruptcy, Birmingham.—*Wm. Chapman*, Birmingham, Feb. 18 at 12, District Court of Bankruptcy, Birmingham.—*Jas. S. Mottram*, Alrewas, Staffordshire, woolstapler, Feb. 13 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Tomkinson*, Stoke-upon-Trent, Staffordshire, spirit-merchant, Feb. 14 at half-past 11, District Court of Bankruptcy, Birmingham.—*Edward Arthur*, Birmingham, coach-maker, Feb. 14 at half-past 1, District Court of Bankruptcy, Birmingham.—*Wm. Munton*, Fletland-mills, Greatford, Lincolnshire, miller, Feb. 14 at half-past 12, District Court of Bankruptcy, Birmingham.—*Geo. Stanway*, Stoke-upon-Trent, confectioner, Feb. 7 at 12, District Court of Bankruptcy, Birmingham.—*Thos. B. Fehr*, Dudley, Worcestershire, spirit-merchant, Feb. 14 at 12, District Court of Bankruptcy, Birmingham.—*Fredk. Pratt*, Stoke-upon-Trent, Staffordshire, miller, Feb. 14 at 1, District Court of Bankruptcy, Birmingham.—*John Hepworth*, New Malton, Yorkshire, woollen-draper, Feb. 13 at 1, District Court of Bankruptcy, Leeds.—*Richd. Wilson*, Leeds, flax-spinner, Feb. 15 at 11, District Court of Bankruptcy, Leeds.—*Hen. Harwood*, Beverley, Yorkshire, woollen-draper, Feb. 13 at 1, District Court of Bankruptcy, Leeds.—*Wm. Houldsworth*, Egremont, Liscard, Cheshire, and Liverpool, common brewer, Feb. 11 at 1, District Court of Bankruptcy, Liverpool.—*T. Renny*, Liverpool, oil-cloth manufacturer, Feb. 11 at 12, District Court of Bankruptcy, Liverpool.—*A. Casacuberta*, Manchester, merchant, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—*John Parker*, Manchester, coach-builder, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—*Wm. Grundy*, Manchester, yarn-dealer, Feb. 15 at 12, District Court of Bankruptcy, Manchester.—*Israel Wade*, Manchester, grocer, Feb. 11 at 11, District Court of Bankruptcy, Manchester.—*Ellis Piggoft*, Manchester, embosser, Feb. 17 at half-past 1, District Court of Bankruptcy, Manchester.—*John Dean*, Habergham Eaves, Lancashire, cotton-spinner, Feb. 10 at 11, District Court of Bankruptcy, Manchester.—*Joseph Lawless*, Manchester, commission-agent, Feb. 14 at 12, District Court of Bankruptcy, Manchester.—*John R. Hayward*, Manchester, wholesale bookseller, Feb. 10, Court of Bankruptcy, London.—*Saml. Evans*, Oswestry, Shropshire, woollen-draper, Feb. 10, Court of Bankruptcy, London.—*Joseph Froste* and *Isaiah Ashlin*, Liverpool, merchants, Feb. 10, Court of Bankruptcy, London.—*John Robins* and *Chas. Williams*, London-wall, carriers, Feb. 10, Court of Bankruptcy, London.—*James Wyatt*, Plymouth, Devonshire, cabinet-maker, Feb. 10, Court of Bankruptcy, London.—*John Shynn*, Liverpool, hotel-keeper, Feb. 10, Court of Bankruptcy, London.—*J. M. Galey*, Liverpool, printer, Feb. 10, Court of Bankruptcy, London.—*Wm. Shand*, jun., Great Winchester-street, London, merchant, Feb. 10, Court of Bankruptcy, London.—*James Sanderson*, Crawshaw-booth, Lancashire, cotton manufacturer, Feb. 10, Court of Bankruptcy, London.—*Saml. Stockton*, Long-gard, Lamb's Conduit-street, wine-cooper, Feb. 10, Court of Bankruptcy, London.—*Wm. Smith*, Curtain-road, near Worship-street, timber-merchant, Feb. 10, Court of Bankruptcy, London.—*John Spanton*, Bermondsey-street, Surrey, cheesemonger, Feb. 10, Court of Bankruptcy, London.—*Thos. Jacob Lancaster*, Barge-yard, London, merchant, Feb. 10, Court of Bankruptcy, London.—*Joseph Wallworth* and *Thos. Wallworth*, Manchester, provision-dealers, Feb. 10, Court of Bankruptcy, London.—*Thomas Allen*, Macclesfield, Cheshire, silkman, Feb. 10, Court of Bankruptcy, London.—*John Charles Rawdon*, Leeds, and Huddersfield, wool-merchant, Feb. 10, Court of Bankruptcy, London.—*Joseph Vandervlyn*, Houndsditch, tailor, Feb. 10, Court of Bankruptcy, London.—*Jos. Fisher*, Sneinton, Nottinghamshire, boatwright, Feb. 10, Court of Bankruptcy, London.—*George T. Knowles*, Stockport, Cheshire, cotton-spinner, Feb. 10, Court of Bankruptcy, London.—*Wm. Gooding*, Chatham, Kent, shoe-maker, Feb. 10, Court of Bankruptcy, London.—*Jos. Barlow*, Lichfield, ironmonger, Feb. 10, Court of Bankruptcy, London.—*F. Jordan*, St. Helen's, Lancashire, miller, Feb. 10, Court of Bankruptcy, London.—*Wm. Waters*, Chepstow, Monmouthshire, timber-merchant, Feb. 10, Court of Bankruptcy, London.—*Samuel Thorp*, Manchester, merchant, Feb. 10, Court of Bankruptcy, London.

## FIAT ANNULLLED.

*Henry Chard*, Liverpool, merchant.

## PARTNERSHIP DISSOLVED.

*Thomas Beale* and *Miles M. B. Cooper*, Upton-upon-Severn, Worcestershire, attorneys, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*John Lindsay & Co.*, Glasgow, callenderers.—*Robert an John Drysdale*, Alva, Stirling, manufacturers.—*John Still*, Glasgow, lace merchant.

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 10 at 9.*

*Rich. Miller*, Princes-st., Spitalfields, pickle manufacturer.—*Wm. Stidolph*, Allen-terrace, Kensington, writing master.—*George Abrams*, Cable-st., St. George's in the East, greengrocer.—*Thomas James*, Hadley, near Barnet, carpenter.—*J. S. Boyce*, Villiers-st., Strand, clerk to an accountant.—*H Hubbard*, Upper Whitecross-st., gingerbread baker.—*I. H. Behenna*, Jermyn-st., St. James's, lamp manufacturer.—*W Luckin*, Evangelist-court, Broadway, Ludgate-hill, shoe maker.—*John Balderson*, jun., Barnes, Surrey, colt breaker.—*George Ridler*, Circus-road East, Portland-town, Maryle bone, higer.—*Richard Mayors*, jun., John-st. West, Blackfriars-road, Surrey, tailor.—*Alfred Addis*, Sydenham, Kent, out of business.

## Adjourned.

*Samuel Russell*, Chester-place, Borough-road, Southwark, bookseller.

*Feb. 13, at the same hour and place.*

*John Cowderoy*, Johnson's-st., Shadwell, lodging-house keeper.—*Thomas Weldon*, Pereira-place, Shepherd's-bush, tailor.—*G. K. Husley*, Welbeck-st., Cavendish-sq., barrister at law.—*Joseph Clarkson*, Lewisham, Kent, carpenter.—*T. Wall*, Wyppe-place, Church-st., Kensington, carpenter.—*G. Nursey*, Plumtree-st., Bloomsbury, bookseller.—*Abraham Cohen*, Rosemary-lane, Whitechapel, rag merchant.—*Wm. Shean*, Stratford, Essex, constable in the Metropolitan police.—*Harold Stanley*, Charles-st., Middlesex Hospital, general merchant.—*Fras. A. Hodgson*, Adam's-place, High-street, Southwark, tailor.—*Henry Arthur Herbert*, Bower-st., Stepney, master mariner.—*Wm. P. Rogers*, Lucas-st., Commercial-road East, out of business.—*John H. Hultman*, Drury-lane, out of business.

*Court-house, SHEFFIELD, (Yorkshire), Feb. 10 at 10.*

*Thos. Sorby*, Sheffield, table-blade grinder.—*F. Parkin*, Sheffield, spring-knife grinder.—*Wm. Maskery*, Sheffield, beer-house keeper.—*John Bradbury*, Sheffield, file grinder.—*E. M. Rippon*, Sheffield, clog maker.—*Abraham Ibbolton*, Sheffield, table-knife cutler.—*John Young*, Sheffield, labourer.—*Charles Oakley*, Sheffield, pearl scale grinder.—*John Pease*, Sheffield, harness maker.—*Robert Pearson*, Sheffield, fishmonger.—*Wm. Parkin*, Sheffield, spring-knife grinder.—*John Shaw*, Sheffield, table-blade forger.—*A. Tingle*, Sheffield, publican.—*J. Jeffcock*, Sheffield, mason.—*J. Bramwell*, Heeley, silversmith.—*William Graves*, Sheffield, table-blade forger.—*Geo. Clayton*, Sheffield, butcher.—*Wm. Holmes*, Sheffield, coal miner.—*Thos. Bashford*, Sheffield, scale presser.—*Anth. W. Turner*, Sheffield, table-blade forger.—*Dan. Ellis*, Sheffield, fork grinder.—*Sam. N. Cocker*, Sheffield, table-blade grinder.—*Jos. Jeeves*, Sheffield, slater.—*Thos. Jennings*, Sheffield, file grinder.—*John Byron*, Sheffield, mason.—*I. Bradwell*, Stannington, near Sheffield, razor manufacturer.—*Hen. Marsden*, Sheffield-moor, saw maker.—*Jos. Smith*, Sheffield, joiner.—*Joshua Fox*, Sheffield, carver.—*W. H. Woodhouse*, Sheffield, innkeeper.—*Jos. Wilby*, Sheffield, saw maker.—*P. Greenwood*, Sheffield, joiner.—*John Beckett*, Sheffield, table-knife manufacturer.—*Enoch Beal*, jun., Sheffield, scissor smith.—*John Milner*, Sheffield, white-metal smith.—*Wm. Needham*, Sheffield, table-knife grinder.—*Francis Scaif*, Sheffield, spring-knife manufacturer.—*Sam. France*, Sheffield, edge-tool striker.—*Wm. W. Staniland*, Sheffield, scale presser.—*Chas. Andrew*, Sheffield-park, victualler.—*Jos. Bradley*, Sheffield, engine tender.—*John Smith*, Sheffield, spring-knife cutler.—*Sam. Sandford*, Sheffield, table-blade forger.—*Jon. Coldwell*, Sheffield, pocket-blade forger.—*Joseph N. Redfern*, Sheffield, law stationer.—*James Buxton*, Sheffield, filesmith.—*Joseph Hague*, Sheffield, out of business.—*John Badger*, Sheffield, scissor grinder.—*John Scholey*, Sheffield, bone stabber.—*John Wood*, Sheffield, labourer.—*Joseph Hallatt*, Sheffield, table-knife cutler.—*Jos. Cuts*, Handsworth Woodhouse, near Sheffield, collier.

*Court-house, WAKEFIELD, Yorkshire, Feb. 13 at 10.*

*Chas. Binks*, Woodhouse Carr, near Leeds, out of business.—*Geo. Dawes*, Knarborough, labourer.—*Jonas Margatroyd*,

Oiley, labourer.—*Jos. Sharp*, Bradford, jack-guard machine-maker.—*Francis Burrell*, Leeds, butcher.—*Henry Mitchell*, Bradford, staff manufacturer.—*Jonas Wood*, Eccleshill, near Bradford, toll contractor.—*Joseph Halstead*, Staniland, near Halifax, farmer.—*John Stirk*, Hunslet, near Leeds, mechanic.—*Jas. Bull*, Leeds, tailor.—*Harriett Pollard*, Leeds, out of business.—*Wm. Crossley*, Hunslet, near Leeds, potter.—*Edmund Booth*, Birkenshaw-bottoms, near Leeds, shopkeeper.—*Jos. Newsom*, Leeds, out of business.—*John Slater*, Bradford, wool-sorter.—*Jas. Appleton*, Leeds, print-seller.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Moss Moses*, Ipswich, general dealer, Poord's, 8, Pinner's-hall, Old Broad-st.: 2d. in the pound.—*Hannah Bate*, Rudgwood, Willey, Shropshire, schoolmistress, Gourley, Madeley: may receive their debts in full.—*Wm. Wallham*, Sutterton, Lincolnshire, cattle-jobber, Jan. 26, Bowles's, Boston: 1s. 4d. in the pound.

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LONDON, JANUARY 28, 1843.

It has lately come under our notice, that a difference of opinion exists between the Courts of Queen's Bench and Exchequer on the subject of the validity of a replication to a plea of tender of a prior demand of a larger sum than that tendered. As this is a point of some practical importance, we shall state to our readers the authorities which bear upon it; and if, in so doing, we are led to make any observations on the law relating to tenders in general, they must conclude, that it is not that we suppose any of them to be unacquainted with what we shall say, but that its repetition here will not be without use in recalling the subject to their minds. The principle upon which a plea of tender is holden to be an answer to an action is, that, as the plaintiff seeks to recover damages for the non-payment of the debt, or non-performance of the duty by the defendant, if the latter has always been ready to pay or perform, and the plaintiff has had notice of such readiness by an offer to do so having been made, any damage he may have sustained has arisen from his own fault in not availing himself of that readiness. Thus, the defendant must allege and prove, not only that he offered to pay the debt or perform the duty, but that, from the time when the obligation first arose, he has always been ready to do so. (*Hume v. Peploe*, 8 East, 168). And this is further illustrated by the rule, that a plea of tender in an action of assumpsit must never conclude with praying judgment of the damages, because, this action being only to recover damages, a plea in bar of the damages would, in effect, be a plea in bar of the action; and "the proper way of pleading a tender in an action of assumpsit is, either to confess damage to a certain amount, and pray that the plaintiff may proceed at his peril for the residue, or to bring a sum of money into Court, and pray judgment of further damages." From this principle, that the meaning of the plea of tender is, that the

defendant has always been ready to perform his engagement, is derived that upon which it is holden, that this plea may be answered by the fact, that, at a time either before or after the tender, the plaintiff demanded of the defendant the sum tendered, and was refused; as by that, the defendant's readiness at all times is negated. And whether this demand must be of the precise sum tendered, is the point upon which the Queen's Bench and Exchequer differ.

The case we shall first notice was in the latter Court. (*Cotton v. Godwin*, 7 Mee. & W. 147). It was an action of assumpsit by the payee against the maker of a promissory note payable on demand; and a demand was averred in the declaration. To this were pleaded, as to part of the amount of the note, a set-off for so much; and as to the residue, a tender at the time of the demand. The plaintiff replied, that, before the making of the tender, a larger sum than what was tendered, and including the latter, was due, and that he demanded that larger sum, but the defendant refused to pay it; and he also averred, that no set-off or other just cause existed for the non-payment of the larger sum, or any part of it. This replication being demurred to specially, the Court were clearly of opinion that it was good. "The principle," they said, "of a plea of tender is, that the defendant has performed so far as he could perform his part of the contract, by being always ready to pay the debt, and actually offering to do it; but this replication shews, that there was a time when the defendant was not ready to perform his part, viz. when the demand was made of the whole amount of the note, at which time he ought to have been ready to pay the whole, as the whole was then due, according to the averments in the replication, which must be taken to be true on this demurrer. That being so, a subsequent tender of part was unavailing." In the above case it will be observed, that the cause of action was single, in which respect it differs from an action of indebitatus



assumpsit on the common counts. There does not however appear to be any reason for making a distinction upon this ground, as in the case which follows it was attempted to be done without success.

*Tyler v. Bland* (9 Mee. & W. 338) was an action of assumpsit for work and labour, money paid, and on an account stated, and a tender of part of the sum claimed was pleaded, to which there was a replication similar to that in *Cotton v. Godwin*. And it having in like manner been demurred to, the Court gave judgment for the plaintiff. This case therefore confirms the previous one; but it is also important, because in it the Court pointed out the course which the defendant ought to pursue with such a replication: that is, to rejoin, by re-alleging, that, at the time of the plaintiff's demand of the larger sum, he tendered the smaller sum, and denying that more than it was due. From these two cases it appears, that the Court of Exchequer have unhesitatingly come to the conclusion, that a plea of tender may be answered by a prior demand and refusal of a larger sum than that tendered.

We have now, then, to mention the case in the Queen's Bench, which, as it was the last decided, we have postponed to the others. In *Brandon v. Newington*, (reported in this No. of THE JURIST), the pleadings were the same in all material respects as in *Tyler v. Bland*; but the court gave judgment for the defendant, Lord Denman observing, that, in *Tyler v. Bland*, the cases of *Spybey v. Hide* and *Rivers v. Griffiths* were not adverted to.

If we are to conclude, that the Judges of the Queen's Bench rest their decision in *Brandon v. Newington* upon the authority of these two cases, it becomes important to ascertain how far they are applicable to the point in dispute, and whether they support the position for which they were cited. The reader will find them reported in 1 Camp. 181, and 5 B. & Ald. 630; and he will find also, upon referring to them, that in both cases the replications alleged a demand of the same sum as was said to have been tendered; but that proof was offered of a demand of a larger sum, which it was contended amounted to proof of a demand of the smaller. The decision in each case proceeded on the ground that the issue was upon the precise sum tendered, and proof of a larger sum was a variance. Now we are by no means prepared to admit, that, from the plaintiff's being confined in the proof of a demand to the precise sum mentioned in his replication, it follows that he shall be obliged in pleading to allege a demand of the precise sum tendered. There are many reasons in support of the former proposition which do not apply to the latter. And with respect to the remark that the two cases on this point were not cited in *Tyler v. Bland*, it is certainly true that they were not; but in *Cotton v. Godwin*, one of them, *Rivers v. Griffiths* was cited and relied on. The view of the Court of Exchequer is, that when the larger sum is due, and the defendant refuses to pay it, that is a default which his subsequent tender will not cure; and that if the larger sum was not in fact due when it was demanded, that would be a good answer, and should be rejoined. And this agrees with the observations of the learned reporter of *Spybey v. Hide*, who, in his note to that case, says, "Instead of the present mode of pleading in tender, which enables the defendant to

avail himself to a certain extent of any offer of payment he may have made, however inadequate the sum, it were, perhaps, preferable to require him to aver in his plea, that so much and no more was due, and that he had been always ready, and had offered to pay this sum, allowing the plaintiff to traverse either averment in his replication, as is done in pleading a set-off to debt on bond." By this method the issue as to the amount due would be taken by the replication, it being taken in the other case by the rejoinder, which is the only difference between them.

In this state of the authorities, we should have been glad to have abstained from stating our own opinion upon the subject, but as some of our readers may think they have a right to be informed of it, we will conclude with saying, that we strongly incline to concur with the Court of Exchequer, but shall not feel satisfied until the point has been again brought before the Courts, and, especially, we should like to know the opinion of the Common Pleas.

#### POINTS ON THE LAW AS TO PROTECTORS OF SETTLEMENTS.

The doubts which have been raised, and which are still seriously insisted on, in practice, upon some of the plainest enactments in the admirably framed Statute for the Abolition of Fines and Recoveries, (3 & 4 Will. 4, c. 74), are sufficient to deter all draftsmen, but the most presumptuous and unqualified, from the thankless task of preparing bills for Parliament, which, if they escape mutilation by the Legislature, are sure to be treated by the Judges as if they were nothing better than some ill-considered and worse-executed production of a committee of the whole House.

1. In the first place, where an estate was limited to A. in tail, with remainder to B. in tail, with remainder over, and A. became lunatic, it was doubted, whether or not A. filled the character of protector under the act; and if he did, whether, by reason of his lunacy, the Lord Chancellor had jurisdiction to act in that character. To each of these questions, the words of the act furnish a clear and unambiguous answer.

Sect. 22 enacts, "That if, at the time when there shall be a tenant in tail of lands under a settlement, there shall be subsisting in the same lands, or any of them, under the same settlement, *any estate for years, determinable on the dropping of a life or lives, or any greater estate (not being an estate for years) prior to the estate tail*, then the person who shall be the owner of the prior estate, or the first of such prior estates, if more than one then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, (the first of such prior estates, if more than one, being for all the purposes of this act deemed the prior estate), shall be the protector of the settlement, so far as regards the lands in which such prior estate shall be subsisting, and shall, for all the purposes of this act, be deemed the owner of such prior estate, although the same may have been charged or incumbered either by the owner thereof or by the settlor, or otherwise howsoever; and although the whole of the rents and profits be exhausted, or required for the payment of the charges and incumbrances on such prior estate; and although such prior estate may have been absolutely disposed of by the owner thereof, or by or in consequence of the bankruptcy or insolvency of such owner, or by any other act or default of such owner; and that an estate by the curtesy in respect of the estate tail or of any prior estate created by the same settlement, shall be deemed a prior estate under the same

settlement, within the meaning of this clause; and that an estate by way of resulting use or trust to or for the settlor, shall be deemed an estate under the same settlement, within the meaning of this clause."

The clause is here cited at length, in order that it may be seen how entirely conclusive and free from ambiguity are its expressions. If there is any estate tail subsisting under a settlement, and there is subsisting under the same settlement also any prior estate, either for years determinable on a life, or any greater estate, (not being an estate for years merely), the owner of such estate, or of the first of such estates, if more than one, is the protector. In the case proposed, A. is the owner of an estate greater than an estate for years determinable, subsisting under the same settlement from which B. derives his estate tail. He is therefore the protector of B.'s estate; and that the case of an estate tail following an estate of inheritance was contemplated, is evident from the latter part of the clause, which speaks of an estate by the curtesy in respect of any estate prior to the estate tail. And this is entirely in accordance with the old law, of which a familiar illustration is afforded by the case of a limitation to A. and B. as tenants in common in tail, with cross-remainders, under which A. and B. join in conveying to the tenant to the writ of entry, but B. alone is vouched. Here the recovery barred B.'s estate tail in possession in a moiety, and the remainder to A., and also his own remainder in A.'s share, and all remainders over.

The provision in case of the lunacy of the protector is as follows:—Sect. 33 enacts, "That if any person, protector of a settlement, shall be lunatic, idiot, or of unsound mind, and whether he shall have been found so by inquisition or not, then the Lord High Chancellor of Great Britain, or the Lord Keeper &c., shall be the protector of such settlement, in lieu of the person who shall be such lunatic or idiot, or of unsound mind as aforesaid." In the case of a limitation to A. in tail, with remainder to B. in tail, A., being entitled to an estate tail in possession, is, we have seen, unquestionably the protector of B.'s estate tail, and may concur in destroying it, without affecting his own previous estate tail; and it follows, as unquestionably from the above enactment, that if A. be a lunatic, the Lord Chancellor is the protector in his place.

In a case where the lunatic was tenant for life, Lord Cottenham admitted, but refused to exercise, the jurisdiction. (*In re Newman*, 2 My. & C. 115). In that case the lunatic was tenant for life, with remainder to his children, if any, as tenants in common in tail, with remainders to his brothers and sisters as tenants in common in tail, with an ultimate remainder to the right heirs of the settlor, the lunatic's father. The settlor's heir was the eldest brother of the lunatic. The lunatic had no children and was unmarried, and the petition was presented by the husband of one of the daughters of the settlor, who was entitled in default of issue of the lunatic, to an estate tail in one-sixth, asking the Lord Chancellor's consent to a disposition, barring the issue of that daughter, and the remainder to the heirs of the settlor, and giving the absolute fee-simple into the power of the husband and wife, which his Lordship refused to give; observing, that, as protector of the settlement, the only duty of the court was to see what, with reference to the interests of the family, it would be proper for the tenant for life to do; and that the aim must be rather to protect the objects of the settlement than to give any benefit to one member of the family to the exclusion of the rest. On the other hand, in the case of *Grant v. Yea*, (3 My. & K. 245), where the lunatic was tenant for life, and the petitioner was quasi tenant in tail of a sum of Consols representing a settled estate which had been sold, and the object of the application was stated to be to obtain the means of purchasing a commission for the petitioner, Lord Brougham granted the prayer

of the petition, and consented to exercise the power which the act gave him.

On the same day, however, his Lordship refused the prayer of a petition, which stated, that the lunatic was tenant in tail in possession and a bachelor; that the petitioner was his next brother and remainder-man in tail, but that there were living a sister and a niece of the petitioner, who were objects of subsequent limitations in tail. His Lordship is reported to have said, that, according to the inclination of his opinion, the Act of Parliament did not give him any authority to interfere in such a case; but even assuming that he possessed such authority, sufficient grounds had not been stated to induce him to exercise it. Another petition having the same object was afterwards presented to Lord Lyndhurst, but his Lordship thought he had no jurisdiction, and declined to make any order. (*In re Blewitt*, 3 My. & K. 250). What was merely a doubt in the minds of Lords Brougham and Lyndhurst, became a certainty in that of Lord Cottenham, before whom the case was this: A testator had devised his real estates to his brother Isaac Wood in tail, with remainders to Margaret Foster and Elizabeth Clarke, his cousins in tail, with cross-remainders, with remainder to his own right heirs. Isaac Wood, the devisee and heir of the testator, became a lunatic, and Margaret Foster died without issue. The petition was presented by Elizabeth Clarke, stating that the lunatic was above the age of sixty-four years and a bachelor, and praying the consent of the Lord Chancellor to a disposition by the petition of her remainder in tail. His Lordship said, "A fatal objection to this application is, that the case is not within the Act of Parliament at all. *I am not protector of the settlement within the Act of Parliament.* Upon a petition *In the Matter of Blewitt*, Lord Brougham first, and afterwards Lord Lyndhurst, held, that such a case was not within the act. If, however, I had the power which I am asked to exercise, it appears to me, that I should not be justified in so dealing with the lunatic's property. He has the whole interest in the estate except the intermediate interest vested in the female petitioner; and if that should drop during his life, he will have the absolute interest."

As no reasons appear to have been given in support of these extraordinary dicta, it is impossible to meet them with any other argument than a bare reference to the plain words of the statute. They have not the same weight as absolute decisions, because the Court was in each case of opinion that it ought not to exercise the jurisdiction, even supposing that it had it.

(To be continued).

## COURT OF QUEEN'S BENCH.

6 VICTORIA.—Jan. 23, 1843.

This Court will, on Wednesday, Thursday, and Saturday, the 1st, 2nd, and 4th days of February, and on Tuesday, the 7th day of February, and the four days next following, hold Sittings, and will proceed in disposing of the business in the Crown Paper, in the Special Paper, and in the New Trial Paper, and in giving judgment in cases that may then be pending.

By THE COURT.

## COURT OF EXCHEQUER.

6 VICTORIA.—Jan. 24, 1843.

This Court will, on Monday the 6th day of February next, and on Tuesday the 7th, on Wednesday the 8th, on Thursday the 9th, on Friday the 10th, and on Saturday the 11th days of the same month, hold Sittings, and will proceed in disposing of the business pending in the New trial and Special Papers.

By THE COURT.

Read in open Court, Jan. 24, 1843.

STEPHEN RICHARDS.



## LORD BROUGHAM ON THE PROTECTION AGAINST PROCESS ARISING FROM PRIVILEGE OF PARLIAMENT.

"If, in the Court of King's Bench, a member of Parliament should so far forget his honour as a representative, and his duty as a man, as to prevaricate grossly on his oath, was it ever dreamt he could be at liberty to say—'True, I have prevaricated, but I am a knight of the shire, I am a citizen, or I am a burgess in Parliament; true it is, I have done that which degrades and disgraces me, that which is the most flagrant attempt that can be made to defeat the administration of justice; true it is I have done that, for committing which any other man would have been hurried from hence to a dungeon; but I am a Member of the House of Commons, I have privilege of Parliament, and my person is as sacred as the oath which I have taken and broken.'

"Were any man so ill advised as to offer such an insult to the Court, far from operating to his protection under this privilege, it is my firm belief, it is my fervent hope, that it would make him cease to be a Member of Parliament by expulsion. But it is also my belief that it would, in the first instance, be visited with condign punishment by the Court whose dignity had been outraged; and that, long before the House which he had disgraced had thrust him forth, the Court would vindicate its insulted honour, and reject with scorn the plea of privilege, by which he had aggravated his offence.

"The line, then, which I draw, is this—that, against all civil process privilege protects; but that against contempt for not obeying civil process, if that contempt is in its nature or by its incidents criminal, privilege protects not: that he who has privilege of Parliament, in all civil matters,—matters which, whatever be the form, are, in substance, of a civil nature, may plead it with success, but that he can in no criminal matter be heard to urge such privilege: that members of Parliament are privileged against commitment and process to compel them to do an act,—against commitment for breach of an order of a personal description, if the breach be not accompanied by criminal incidents; and provided the commitment be not in the nature of process to compel a performance: that in all such matters members of Parliament are protected; but that they are no more protected than the rest of the King's subjects from commitment in execution of a sentence, where the sentence is that of a court of competent jurisdiction, and has been duly and regularly pronounced."—(*Wellesley's case*, 2 Russ. & My. 664).

## LORD ELDON ON ADVISING THE CROWN AS TO GRANTING A COMMISSION OF REVIEW.

"If this had been the first application for a commission of review, I should have doubted whether I should have given the reasons of my report to his Majesty. But adverting to what Lord Rosslyn did in the case referred to, and recollecting that he thought it more satisfactory to justice, that he should himself give the reasons, with a view to state the principle upon which he should advise the King, I should be unwilling to depart from that precedent; and therefore shall state my reasons for that advice which I shall humbly address to his Majesty. The respect I bear to the very learned person who originally decided this case, and the respectable court that confirmed it, and to the bar who have given me so much information, makes it my duty not to give my reasons in the small portions of time remaining this day."

On a subsequent day, his Lordship thus opened his judgment: "It is pressed that the commission, if I should advise his Majesty to grant it, should contain a

clause for admitting a fresh plea and fresh proofs upon suggestions at the bar. It was very truly observed by Lord Rosslyn, that this commission is granted by the grace and favour of the Crown. But on the other hand he takes considerable pains, and was right in the principle, to state, that the opinion supposed to have been given in the Court of Prize by a very great and learned person, now deceased, was not just. I apprehend the person to whom his Majesty may be pleased to refer such a memorial, is bound to consider this a prerogative that ought to be called into exercise where a due attention to public convenience, and a due and fair attention to the interests of the parties, in just and sound discretion require that it shall be exercised; and, like all other proceedings for the benefit of the subject, it is not to be discountenanced merely because it is such. If the exercise of it is due and wholesome, it is a trust for the King's subjects. At the same time, if it is to be regulated by principles of public convenience, as the general administration of justice is in many cases, where, perhaps, pressing hard upon individual cases, there are strong calls upon the Crown to take care that this prerogative is cautiously exercised, and only where a due application of the principle requires that it should be exercised. It is not surprising therefore, that there have been few instances of advising the Crown to permit it."—(8 Ves. 469).

## London Gazette.

TUESDAY, JANUARY 24.

### DECLARATION OF INSOLVENCY.

JOHN WALKER, Hayfield, Derbyshire, grocer and linen-draper.

### BANKRUPTS.

THOMAS CHARLES CLARKSON, Louth, Lincolnshire, tanner and currier, Jan. 31 and March 2 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Lloyd, Cheapside.—Fiat dated Jan. 13.

JOHN BEAR, Ramsgate, Isle of Thanet, Kent, draper, Feb. 3 and March 7 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Reed & Shaw, Friday-street.—Fiat dated Jan. 20.

FREDERICK ROSE, Watton, Hertfordshire, innkeeper, dealer in horses, and cattle-dealer, Jan. 31 at 12, and March 7 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Smith, Barnard's-inn.—Fiat dated Jan. 17.

ARTHUR MATTHEWS, Robertsbridge, Salehurst, Sussex, apothecary, Feb. 3 and March 1 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Keddell & Co., 34, Lime-street.—Fiat dated Jan. 19.

JAMES ROBERTSON, Liverpool, merchant and factor, Feb. 3 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Carson, Liverpool; Brady, 1, Staple-inn.—Fiat dated Jan. 20.

ABRAHAM LONGSTAFF, Roughton, Lincolnshire, auctioneer, and dealer in cattle, Feb. 7 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Wallaby, Horncastle.—Fiat dated Jan. 7.

THOMAS JONES, Liverpool, coal dealer, Jan. 31 at 12, and Feb. 17 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Woodcock & Part, Wigan; Gregory & Co., Bedford-row.—Fiat dated Jan. 11.

JOHN PATTISON, Bridlington-quay, Yorkshire, saddler and harness maker, Feb. 9 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Barnett, Walsall; Blackburn, Leeds.—Fiat dated Jan. 19.

JOHN LUMLEY, Kirkby Fleetham with Fencote, Yorkshire, common brewer, Feb. 10 and 27 at 11, Leeds District Court of Bankruptcy: Off. Ass. Young; Sols. Prest, Masham; Bond, Leeds.—Fiat dated Jan. 5.

\* It is scarcely necessary to observe, that the above extracts have been expressly selected for the purpose of bringing into more prominent contrast the peculiar characteristics of the judicial style of the two eminently gifted and learned men from whose judgments they are taken.

**THOMAS EYRE**, Gainsborough, Lincolnshire, corn merchant, spirit merchant, and coal merchant, Feb. 6 at 2, and March 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Plaskitt, Gainsborough; Scott, 25, Lincoln's-inn-fields.—Fiat dated Jan. 12.

**JOHN POWER** and **JOHN WALLACE**, Liverpool, merchants and factors, Feb. 2 at 11, and March 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Norris, Liverpool; Norris & Co., Bartlett's-buildings, Holborn.—Fiat dated Jan. 20.

**HUGH PARKER, OFFLEY SHORE, JOHN BREWIN**, and **JOHN RODGERS**, Sheffield, Yorkshire, bankers, Feb. 15 and 17 at 11, and March 1, 8, and 15 at 11, Leeds District Court of Bankruptcy: Off. Ass. Freeman; Sol. Smith, Sheffield.—Fiat dated Jan. 16.

#### METINGS.

*Samuel Parker*, Egyptian Hall, Piccadilly, lamp manufacturer, Feb. 7 at 1, Court of Bankruptcy, London, last ex.—*Geo. Chapman*, Pullin's-place, Islington, cowkeeper, Feb. 2 at 12, Court of Bankruptcy, London, last ex.—*John Ball Becher*, Birmingham, shawl dealer, Jan. 28 at 11, Court of Bankruptcy, London, last ex.—*Geo. Thompson* and *Jas. F. Forbes*, Crutched-friars, corn factors, Feb. 10 at half-past 12, Court of Bankruptcy, London, last ex. *Geo. Thompson*.—*Jos. Lindon*, Plymouth, Devonshire, merchant, April 19 at 10, Court of Bankruptcy, Exeter District, last ex.—*P. Blatchford*, Plymouth, Devonshire, miller, Feb. 21 at 11, Court of Bankruptcy, Exeter District, last ex.—*Chas. Hilton*, Manchester, cotton and fastian manufacturer, Feb. 6 at 1, District Court of Bankruptcy, Manchester, last ex.—*John Austin*, Manchester, and Hulme, Lancashire, coach proprietor, Feb. 16 at 1, Manchester District Court of Bankruptcy, and. ac.; Feb. 17 at 2, fin. div.—*Louis Coquerel*, Leicester-street, Leicester-square, hotel keeper, Feb. 16 at half-past 11, Court of Bankruptcy, London, and. ac.—*Augustus Applegath*, Crayford, Kent, silk printer, Feb. 16 at 12, Court of Bankruptcy, London, and. ac.—*Edward Corah*, Bristol, hosier, Feb. 16 at 1, Court of Bankruptcy, London, and. ac.—*Wm. M'Pherson*, Hatton-wall, Middlesex, oil and colour man, Feb. 16 at half-past 1, Court of Bankruptcy, London, and. ac.—*Wm. Nairn* and *J. List*, Tower Royal, Watling-street, linen and hempen cloth manufacturers, Feb. 16 at 2, Court of Bankruptcy, London, and. ac.—*Thomas Gilon*, Bucklersbury, coffee-house keeper, Feb. 16 at 11, Court of Bankruptcy, London, and. ac.—*Jas. Cranbrook*, Deal, Kent, draper, Feb. 25 at 12, Court of Bankruptcy, London, and. ac.—*William Matthews*, Bushey, Hertfordshire, carpenter, Feb. 25 at half-past 12, Court of Bankruptcy, London, and. ac.—*Ch. Vandergucht*, Quadrant, Regent-street, silk mercer, Feb. 21 at 12, Court of Bankruptcy, London, and. ac.; Feb. 24 at 12, div.—*Robert H. C. Hunt* and *Edmond O. Smith*, Old Broad-street, London, and Hamburg, Germany, merchants, Feb. 11 at 10, Court of Bankruptcy, London, and. ac.—*Richard Harris* and *Samuel King*, High Holborn, woollen drapers, Feb. 16 at half-past 1, Court of Bankruptcy, London, and. ac.—*Jos. Last*, Edward-street, Hampstead-road, printer, Feb. 16 at half-past 12, Court of Bankruptcy, London, and. ac.—*John Chandler* and *Samuel King*, St. Paul's Church-yard, woollen drapers, Feb. 16 at 2, Court of Bankruptcy, London, and. ac.—*John Dover*, Three-Cranes Wharf, London, merchant, Feb. 16 at half-past 2, Court of Bankruptcy, London, and. ac.—*Wm. Adam*, Narrow-wall, Lambeth, timber merchant, Feb. 16 at 1, Court of Bankruptcy, London, and. ac.—*J. S. Aird*, East Herrington, Durham, cattle salesman, Feb. 15 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Feb. 16 at 11, fin. div.—*G. B. Highfield* and *John Highfield*, Liverpool, and *Sam. Highfield*, Leghorn, merchants, Feb. 14 at 1, Manchester District Court of Bankruptcy, and. ac. sep. est. *G. B. Highfield* and *J. Highfield*; Feb. 17 at 2, div. sep. est. *G. B. Highfield* and *J. Highfield*.—*Phil. Walters* and *Morgan Llewellyn*, Neath, Glamorganshire, timber merchants, Feb. 12 at 11, District Court of Bankruptcy, Bristol, and. ac.—*John Haddock*, Warrington, Lancashire, bookseller, Feb. 16 at 2, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. Cross*, Mountmeasing, Essex, grocer, Feb. 14 at 12, Court of Bankruptcy, London, div.—*John Stewart*, Hampton-street, Walworth, Surrey, linen draper, Feb. 17 at half-past 12, Court of Bankruptcy, London, div.—*Rich. Couzell*, Milton next Gravesend, Kent, Feb. 17 at 12, Court of Bankruptcy, London, div.—*J. Field*, Bennet-street, St. James, Westminster, builder, Feb. 14 at 1, Court of Bankruptcy, London, fin. div.—*J. Richmond*, Lime-

street, London, merchant, Feb. 14 at 12, Court of Bankruptcy, London, div.—*Jas. N. Chapman*, Upper Holloway, victualler, Feb. 16 at half-past 12, Court of Bankruptcy, London, div.—*Henry Till*, Moulsham, Essex, draper, Feb. 16 at 12, Court of Bankruptcy, London, div.—*Chas. Hart* and *Thos. Levelina*, Newgate-street, woollen warehousemen, Feb. 14 at half-past 1, Court of Bankruptcy, London, div.—*Edmund Henry Labatt*, Mincing-lane, merchant, Feb. 16 at half-past 11, Court of Bankruptcy, London, div.—*Samuel Guerrier*, Winchester-place, Pentonville, bookseller, Feb. 15 at 11, Court of Bankruptcy, London, div.—*Wm. Howorth*, Swaffham, Norfolk, wine-merchant, Feb. 15 at 2, Court of Bankruptcy, London, div.—*Robert P. Vicat*, Nelson-place, Old Kent-rd., Surrey, linen-draper, Feb. 14 at half-past 2, Court of Bankruptcy, London, div.—*Jas. H. Allen*, Porth Cawl, Newton Nottage, Glamorganshire, timber-merchant, Feb. 28 at 11, District Court of Bankruptcy, Bristol, div.—*Benjamin Jasper Wood*, Liverpool, optician, Feb. 20 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*Fredk. Newcomb*, Newgate-market, carcase-butcher, and Theberton-street, Islington, ham and beef shopkeeper, Feb. 16 at half-past 12, Court of Bankruptcy, London.—*John B. Lodge*, Gerrard-street, Soho, and New Bond-street, bath-proprietor, Feb. 16 at 11, Court of Bankruptcy, London.—*Saml. E. Wellon*, Cambridge, butcher, Feb. 16 at 1, Court of Bankruptcy, London.—*Geo. Cole*, Toy Hotel, Hampton, innkeeper, Feb. 14 at 2, Court of Bankruptcy, London.—*Edmd. Oakley* and *John Wise*, Poole, corn-dealers, Feb. 16 at 11, Court of Bankruptcy, London.—*James James*, Ross, Herefordshire, grocer, Feb. 24 at 11, District Court of Bankruptcy, Bristol.—*Saml. Wood*, jun., Bagillt, Flintshire, ~~china~~ merchant, Feb. 15 at 11, District Court of Bankruptcy, Liverpool.—*J. Luscombe*, Plymouth, and Stonehouse, Devonshire, maltster, Feb. 21 at 10, District Court of Bankruptcy, Exeter.—*H. Cridland*, Totnes, Devonshire, saddler, Feb. 21 at half-past 1, District Court of Bankruptcy, Exeter.—*John Wilson Green*, Dartmouth, Devonshire, ship-builder, Feb. 21 at 10, District Court of Bankruptcy, Exeter.—*Jas. G. Smith*, Bath, Somersetshire, common-brewer, Feb. 20 at 11, District Court of Bankruptcy, Bristol.—*Josiah Leicester*, Manchester, printer and publisher, Feb. 15 at 1, District Court of Bankruptcy, Manchester.—*Robert C. Janion*, Liverpool, merchant, Feb. 15 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Osburn*, jun., Leeds, wine-merchant, Feb. 22 at 11, District Court of Bankruptcy, Leeds.—*J. T. Newstead*, Manchester, and Salford, Lancashire, ironfounder, Feb. 15 at 1, District Court of Bankruptcy, Manchester.—*W. Holland*, *J. Raleigh*, and *T. S. Goode*, Manchester, merchants, Feb. 15 at 12, District Court of Bankruptcy, Manchester.—*Wm. Atherton*, Manchester, flint-glass manufacturer, Feb. 15 at 12, District Court of Bankruptcy, Manchester.—*John Tennison*, Manchester, victualler, Feb. 16 at 1, District Court of Bankruptcy, Manchester.—*Geo. Tennant*, Wigan, Lancashire, maltster, Feb. 16 at 12, District Court of Bankruptcy, Manchester.—*Robert Crampson*, Manchester, draper, Feb. 17 at 11, District Court of Bankruptcy, Manchester.—*Henry Howard*, London-wall, looking-glass manufacturer, Feb. 14, Court of Bankruptcy, London.—*Leslie M'Key*, Dublin, Ireland, merchant, Feb. 14, Court of Bankruptcy, London.—*Chas. Gatehouse*, Chichester, brewer, Feb. 14, Court of Bankruptcy, London.—*Wm. Barrell*, Newcastle-place, Edgeware-road, plumber, Feb. 14, Court of Bankruptcy, London.—*Thomas Benson*, Darlington, Durham, grocer, Feb. 14, Court of Bankruptcy, London.—*William Gorsuch*, Liverpool, hotel-keeper, Feb. 14, Court of Bankruptcy, London.—*Charles Evans*, Bristol, coach-maker, Feb. 14, Court of Bankruptcy, London.—*William Milnes*, Leeds, Yorkshire, woolstapler, Feb. 14, Court of Bankruptcy, London.—*James Norris Chapman*, Upper Holloway, licensed victualler, Feb. 14, Court of Bankruptcy, London.—*Thos. Gilon*, Bucklersbury, coffee-house keeper, Feb. 14, Court of Bankruptcy, London.—*W. Butler*, *Saml. Butler*, and *James Butler*, Birmingham, ironfounders, Feb. 14, Court of Bankruptcy, London.—*John Matthews*, Ledbury, Herefordshire, builder, Feb. 14, Court of Bankruptcy, London.—*Gardner Boggs*, Great Winchester-st., merchant, Feb. 14, Court of Bankruptcy, London.—*Jas. Nutter*, Cambridge, miller, Feb. 14, Court of Bankruptcy, London.—*R. Wilson*, Aldermanbury, hosier, Feb. 14, Court of Bankruptcy,



London.—*J. Thorp*, Manchester, merchant, Feb. 14, Court of Bankruptcy, London.—*Rich. Wilkes*, Shrewsbury, Shropshire, tailor, Feb. 14, Court of Bankruptcy, London.

## SCOTCH SEQUESTRATIONS.

*Johnston Dalziel*, Dingwall, writer.—*J. Collie*, Aberdeen, grocer, dec.—*G. Armstrong & Co.*, Edinburgh, merchants.—*Wm. Crawford*, Edinburgh, merchant.—*Rev. Thos. Nelson*, Auchtermaven, Perthshire, minister.—*W. Kirkaldy*, Dundee, merchant.—*Robt. Ritchie*, Green Style of Kildrummy, cattle dealer.—*A. Currie*, Irvine, Ayrshire, rope and sail maker.—*Wm. Smith*, Dumfries, tallow chandler.—*Wm. Adams*, Edinburgh, glass merchant.—*Daniel Littleton*, Edinburgh, newspaper proprietor.

## INSOLVENT DEBTORS.

*Saturday, Jan. 21.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Johnson*, Runcorn, Cheshire, out of business, No. 57,677 T.; *Wm. Lewis*, assignee.—*William Hooper*, Heresham, near Esher, Surrey, builder, No. 53,771 T.; *G. Hurrell*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 14, at 9.*

*Wm. Smith*, Swan-place, Old Kent-road, Surrey, timber dealer.—*J. W. Denziloe*, Sidney-st., City-road, tea dealer.—*Daniel Valerio*, Oxford-terrace, Edgeware-road, wine merchant.—*T. C. Sherwin*, Clarendon-sq., St. Pancras, commander in the royal navy, on half-pay.—*Rich. Langridge*, York-st., Foley-place, and Store-st., Tottenham-court-road, stay and corset maker.—*Wm. W. Hall*, Paradise-st., Lambeth-walk, Surrey, out of business.—*James Steel*, Surrey-terrace, p. 11, New-town, Surrey, bricklayer.—*Wm. Hepworth*, Glebe-terrace, Ball's-pond, Islington.—*John Burch*, Cannon-st., London, hair dresser.—*Edward Barker Johnson*, Kingsgate-st., Holborn, out of business.—*John Harvey*, Park-road, Old Kent-road, saddler.—*Daniel Green*, Navarino-terrace, Cowley-road, Brixton, Surrey, tailor.

*Court-house, WAKEFIELD, Yorkshire, Feb. 14 at 10.*

*John Holroyd*, Giggleswick, out of business.—*Geo. Woodcock*, Sheffield-park, out of business.—*Benj. Boyes*, Bradford, out of business.

## Original.

*Wm. Sutcliffe*, Halifax, and Sowerby-bridge, out of business.—*Wm. Tulson*, Kirkby Malzeard, near Ripon, apothecary.—*Wm. Rhodes*, Kippax, near Pontefract, shoemaker.—*G. Maude*, Leeds, attorney at law.—*Benj. Hardwick*, Leeds, out of business.—*Joseph Payler*, Leeds, ginger-beer manufacturer.—*Benj. Brearley*, Hanging Heaton, near Dewsbury, clothier.—*Thos. Gledhill*, Wakefield, hair-dresser.—*Joseph Booth*, Chapel Ford, Batley, near Dewsbury, shoemaker.—*J. Brearley*, Hanging Heaton, near Dewsbury, clothier.—*Jos. Curry*, Cracking-edge, Hanging Heaton, schoolmaster.—*W. Hemley*, sen., Knaresborough, labourer.—*George Marsden*, Wakefield, joiner.

## Adjourned.

*Robert Overend*, Scholes, near Halifax, wire-drawer.

*Feb. 15, at the same hour and place.*

*George Johnson*, Leeds, out of business.—*George Burrow*, Burton in Lonsdale, near Bentham, out of business.—*Wm. Buckley*, Ewood, in Midgley, near Halifax, out of business.—*Eliz. Wormald*, East Keswick, near Harewood, out of business.—*Saml. Wormald*, Holbeck, colliery viewer.—*James Sellars*, Bramley, near Rotherham, out of business.—*Joseph Crossley*, jun., Halifax, tailor.—*John Pybus*, Halifax, shoemaker.—*Wm. Thorner*, Scummondon, near Halifax, shopkeeper.—*Wm. Barlow*, Leeds, pork butcher.—*D. Tidswell*, Tong in Birstall, near Bradford, farmer.—*Jos. Richardson*, Burketon, near Sherburn, farmer.—*J. S. Morley*, Keigley, out of business.—*M. Hart*, Tadcaster, innkeeper.—*Robert Bullock*, Newsholme, farmer.—*Joseph Buttery*, Gildersome, near Leeds, cordwainer.—*H. Cowlishaw*, Sheffield, labourer.

*Feb. 16, at the same hour and place.*

*Wm. Hudson*, Yeadon, near Otley, out of business.—*Jas. Sugden*, Bradford, out of business.—*Samuel Smith*, Hemingfield, out of business.—*Thomas Craven*, Holbeck, near Leeds, news-agent.—*Ishmael Lant*, Sheffield, spade shaft maker.—*Wm. Wilkinson*, Goole, waterman.—*Chas. Sawl*, Askern,

stonemason.—*John Crowther*, Green-stile, Fisby, near Halifax, labourer.—*Wm. Pickles*, Hanging Heaton, cloth maker.—*Henry Ambler*, Squirrdes, Bradford, wool waste and stuff dealer.—*Mary Fell*, Leeds, housekeeper.—*John Shaw*, Selby, butcher.—*John Wilcock*, Thornhill, beer seller.—*Richard Lambert*, Wortley, cloth maker.—*Thos. Cooper*, Rishworth, corn miller.

## Adjourned.

*James Gantrodger*, Millthorne, weaver.—*Wm. Ingham*, Leeds, painter.

## INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Abraham*, Liverpool, landing waiter in the Customs, Woodward's, Liverpool: 3s. 4d. in the pound, (making, with former divs. 20s. in the pound).—*Chas. B. Cripp*, Bristol, accountant, Dix's, Bristol: 10½d. in the pound.—*James Walker*, Macclesfield, grocer, Toulmin's, Liverpool: 1s. 9d. in the pound.

## MEETING.

*Thomas Bull*, Shotteswell, Warwickshire, farmer's labourer, Feb. 11 at 12, Morris & Wallington's, Warwick, sp. affairs.

FRIDAY, JANUARY 27.

## BANKRUPTS.

*ALEXANDER HAY*, Great Queen-street, Lincoln's-inn-fields, coach maker, Feb. 3 at half-past 12, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. May, Queen-square.—Fiat dated Jan. 26.

*GEORGE COLE*, Beasley-heath, Kent, grocer, cheesemonger, and shopkeeper, Feb. 3 at half-past 10, and March 10 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Sadgrove, Mark-lane.—Fiat dated Jan. 21.

*JOHN SEAD GOWING*, Lowestoft, Suffolk, grocer and general shopkeeper, Feb. 4 at half-past 10, and March 3 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Gilman, Norwich; Storey, 5, Field-court, Gray's-inn-sq.—Fiat dated Jan. 13.

*JEREMIAH GILLMAN*, Stewkley, Buckinghamshire, grocer and linen draper, Feb. 9 and March 13 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Buchanan, Basinghall-street.—Fiat dated Jan. 18.

*ALEXANDER WINTON, DAVID WINTON, and JAMES WEBBER*, Wood-street, Cheapside, warehousemen, Feb. 14 at half-past 12, and March 13 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Reed & Shaw, Friday-street, Cheapside.—Fiat dated Jan. 25.

*JOHN EMSON*, jun., Sawbridgeworth, Hertfordshire, veterinary surgeon, Feb. 4 at half-past 1, and March 10 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Braham, 101, Chancery-lane.—Fiat dated Jan. 24.

*RICHARD PAYNE*, Hatton-wall, Hatton-garden, brass founder, Feb. 10 at 2, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Braham, 101, Chancery-lane.—Fiat dated Jan. 25.

*JOHN ORBELL*, Brundon, Essex, miller and merchant, Feb. 11 at 2, and March 3 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Stedman, Sudbury, Suffolk; Marston, Torrington-square.—Fiat dated Jan. 17.

*THOMAS BRIGHTMAN*, Spalding, Lincolnshire, apothecary, Feb. 8 at half-past 12, and March 14 at 11, District Court of Bankruptcy, Birmingham; Off. Ass. Valpy; Sols. Bonner & Son, Spalding.—Fiat dated Jan. 19.

*JOHN BANCROFT*, Salford, Lancashire, grocer, Feb. 9 and March 9 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Powdell; Sols. Makinson, Manchester; Gregory & Co., Bedford-row.—Fiat dated Jan. 24.

*THOMAS SIMPSON*, Gateshead, Durham, painter, glazier, and builder, Feb. 6 at 11, and Mar. 10 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry.—Fiat dated Jan. 21.

*CHARLES MOTTRAM*, Liverpool, wool broker and commission merchant, Feb. 6 and 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Fisher & Co., Liverpool; Cornthwaite & Adams, 3, Dean's-court, Doctor's-commons.—Fiat dated Jan. 18.

*SAMUEL HIGHFIELD*, Birkenhead, Cheshire, merchant, Feb. 13 at 12, and March 7 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Mallaby & Townsend, Liverpool; Chester & Toulmin, Staple-inn.—Fiat dated Jan. 20.

## MEETINGS.

*Dryden Elstob*, Conduit-st., Bond-st., underwriter, Feb. 17 at 12, Court of Bankruptcy, London, ch. ass.—*R. J. Webb*, Piccadilly, tailor, Feb. 10 at 2, Court of Bankruptcy, London, last ex.—*John Apin*, Bicester, Oxfordshire, scrivener, Feb. 9 at 2, Court of Bankruptcy, London, last ex.—*H. Blackman*, Cranbrook, Kent, grocer, Feb. 6 at half-past 10, Court of Bankruptcy, London, last ex.—*Wm. Hall*, Tredington, Worcestershire, and *Robt. Rainbow*, Stratford-upon-Avon, Warwickshire, corn and coal merchants, Feb. 11 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—*Wm. Wright*, Burslem, Staffordshire, baker, Feb. 20 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Thos. Clarke*, Rugby, Warwickshire, mercer, Feb. 23 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*E. B. Robinson*, Nottingham, printer, Feb. 21 at 12, District Court of Bankruptcy, and ac.—*G. T. Knowles*, Stockport, Cheshire, and Manchester, cotton spinner, Feb. 22 at 11, District Court of Bankruptcy, Manchester, aud. ac. and div.—*J. Till*, Shirley Mills, Hampshire, brewer, Feb. 17 at 2, Court of Bankruptcy, London, div.—*R. C. Gray* and *H. T. Gray*, Grovenor-place, and Marine-place, Commercial-road East, and Upper Stamford-st., Blackfriars-road, rope makers, Feb. 17 at 1, Court of Bankruptcy, London, div.—*William Adam*, Narrow-wall, Lambeth, Surrey, timber merchant, Feb. 20 at 2, Court of Bankruptcy, London, div.—*Joseph Last*, Edward-st., Hampstead-road, printer, Feb. 20 at half-past 1, Court of Bankruptcy, London, div.—*Rich. Harris* and *Saml. King*, High Holborn, woollen drapers, Feb. 20 at half-past 2, Court of Bankruptcy, London, div.—*Thos. Gilson*, Bucklersbury, coffee-house keeper, Feb. 17 at 11, Court of Bankruptcy, London, div.—*R. N. Munton*, jun., Fletland-mills, Greatford, Lincolnshire, miller, Feb. 21 at 11, District Court of Bankruptcy, Birmingham, div.—*John Dover*, Three Cranes-wharf, London, merchant, Feb. 20 at half-past 12, Court of Bankruptcy, London, div.

## CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

*Hen. J. Collett*, London, and Manchester, warehouseman, Feb. 18 at half-past 2, Court of Bankruptcy, London.—*Jas. Wm. Addison*, South Front, Southampton, provision-agent, Feb. 25 at 1, Court of Bankruptcy, London.—*Isaac Newton Wigney*, Brighton, Sussex, banker, Feb. 24 at half-past 12, Court of Bankruptcy, London.—*Saml. Bastick*, Brighton, Sussex, hatter, Feb. 21 at 2, Court of Bankruptcy, London.—*John Muddell*, Freeman's-court, Cheapside, wine-merchant, Feb. 21 at half-past 2, Court of Bankruptcy, London.—*Thos. Fraser*, Brook-street, Bond-street, Italian warehouseman, Feb. 21 at 11, Court of Bankruptcy, London.—*Jas. Fisher* and *W. Miter*, Norwich, drapers, Feb. 17 at 1, Court of Bankruptcy, London.—*Wm. Finner* and *Wm. Smith*, Old Swan Brewery, Osborne-street, Whitechapel, brewers, Feb. 17 at half-past 12, Court of Bankruptcy, London.—*John Wade*, Plymouth, Devonshire, grocer, March 1 at 12, District Court of Bankruptcy, Exeter.—*Jas. Bonny*, Liverpool, tailor, Feb. 20 at 12, District Court of Bankruptcy, Liverpool.—*T. Tattersall*, Liverpool, corn-merchant, Feb. 20 at 11, District Court of Bankruptcy, Liverpool.—*Adam Howie*, Lambeg, Down, bleacher, Feb. 20 at half-past 11, District Court of Bankruptcy, Liverpool.—*Geo. Bennetson*, South Shields, Durham, miller, Feb. 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Reed*, Newcastle-upon-Tyne, sail-cloth manufacturer, Feb. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Elliot Whitney*, Liverpool, soap-boiler, Feb. 20 at 1, District Court of Bankruptcy, Liverpool.—*Wm. Ryland*, Liverpool, tanner, Feb. 20 at 1, District Court of Bankruptcy, Liverpool.—*John Vincent*, Redditch, Worcestershire, pawnbroker, Feb. 27 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Chawner*, Hinkly, Leicestershire, tea-dealer, Feb. 18 at half-past 11, District Court of Bankruptcy, Birmingham.—*S. Beamy*, Birmingham, draper, Feb. 20 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Watson*, Great Driffield, Yorkshire, tailor, Feb. 18 at 11, District Court of Bankruptcy, Leeds.—*Wm. Elam*, Huddersfield, Yorkshire, livery-stablekeeper, Feb. 21 at 1, District Court of Bankruptcy, Leeds.—*Ed. B. Robinson*, Nottingham, printer, Feb. 21 at 12, District Court of Bankruptcy, Birmingham.—*Geo. Howarth*, Halifax, Yorkshire, corn-dealer, Feb. 20 at 11, District Court of Bankruptcy, Leeds.—*C. A. Bradbury*, Stockport, Cheshire, draper, Feb. 21 at 12,

District Court of Bankruptcy, Manchester.—*Augustus Lines*, Irongate-wharf, Paddington, hay-salesman, Feb. 17, Court of Bankruptcy, London.—*John Coats*, St. John-street, Middlesex, draper, Feb. 17, Court of Bankruptcy, London.—*James King*, Salisbury, Wiltshire, draper, Feb. 17, Court of Bankruptcy, London.—*D. Smith*, Bucklersbury, London, merchant, Feb. 17, Court of Bankruptcy, London.—*Samuel Younger*, Great Tower-street, London, merchant, Feb. 17, Court of Bankruptcy, London.—*Johann Jacob Schenck*, Ad-dle-street, London, merchant, Feb. 17, Court of Bankruptcy, London.—*John Sutcliffe*, Halifax, Yorkshire, grocer, Feb. 17, Court of Bankruptcy, London.—*David Lawson*, Marylebone-street, Piccadilly, woollen-draper, Feb. 17, Court of Bankruptcy, London.—*J. Fitton*, Bolton-le-Moors, Lancashire, small-ware dealer, Feb. 17, Court of Bankruptcy, London.—*Joseph Clay*, Dewsbury, Yorkshire, draper, Feb. 17, Court of Bankruptcy, London.—*John Mc Connal*, Liverpool, tea-dealer, Feb. 17, Court of Bankruptcy, London.—*Hen. Charles Farrow*, King William-st., London, wine-merchant, Feb. 17, Court of Bankruptcy, London.—*Robt. Craig*, Manchester, innkeeper, Feb. 17, Court of Bankruptcy, London.—*Jas. Evans*, Darwen, Lancashire, ironfounder, Feb. 17, Court of Bankruptcy, London.—*P. Willmott*, Blackfriars-rd., Surrey, linen-draper, Feb. 17, Court of Bankruptcy, London.—*Robt. Adams*, Manchester, provision-merchant, Feb. 17, Court of Bankruptcy, London.—*Thos. Taylor*, Liverpool, bookseller, Feb. 17, Court of Bankruptcy, London.—*Ed. S. Webster*, Birmingham, draper, Feb. 17, Court of Bankruptcy, London.—*H. Rickett*, Henry-street, Pentonville, dealer in wine, Feb. 17, Court of Bankruptcy, London.—*Henry Stephen Winter*, Regent-street, milliner, Feb. 17, Court of Bankruptcy, London.—*Thos. Men-nell*, Leeds, Yorkshire, cloth merchant, Feb. 17, Court of Bankruptcy, London.—*Clement Wigney*, Brighton, Sussex, banker, Feb. 17, Court of Bankruptcy, London.—*Francis Turner*, Birmingham, engraver, Feb. 17, Court of Bankruptcy, London.—*Stephen Simson*, Southampton, watch-maker, Feb. 17, Court of Bankruptcy, London.—*Wm. Bull*, Birmingham, engraver, Feb. 17, Court of Bankruptcy, London.

## FIAT ANNULLED.

*Robert Busby*, Wood-st., Bethnal-green, dairyman.

## FIAT ENLARGED.

*G. B. Salvi*, Duke-st., Portland-place, wine merchant.

## SCOTCH SEQUESTRATIONS.

*G. B. Heather*, Edinburgh, timber merchant.—*W. Boyle*, Glasgow, baker.—*F. Coghill & Co.*, Glasgow, glass merchants.—*M. Arbuckle*, Riccarton, Ayrshire, cattle dealer.—*Alan Johnstone*, Aberdeen, bookseller.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 17 at 9.

*Richard Manuel*, Broadley-terrace, Blandford-sq., carpenter.—*Lewis Benjamin*, Crown-st., Finsbury, cap maker.—*G. Royer*, Monkton Hadley, near Barnet, baker.—*Rich. Mallett*, Great Charlotte-st., Blackfriars-road, corn roaster.—*G. R. Routh*, Robinson's-row, King'sland, piano-forte manufacturer.—*G. T. Seymour*, Staple-st., Long-lane, Surrey, out of business.—*John Leach*, Hendon-place, Pimlico, clerk to a stationer.—*Joseph Bianchini*, Brompton-terrace, Brompton, hair dresser.—*Thomas Chambers*, Palantine-houses, Stoke Newington-road, baker.—*Daniel Butler*, Fulham, tailor.—*Jos. Oddy*, Connaught-place, Edgeware-road, gentleman's butler.—*J. C. Pywell*, Cumberland-market, Regent's-park, commission stable keeper.—*Henry Webb*, Pembroke-place, Vauxhall-bridge-road, accountant.

Feb. 20, at the same hour and place.

*D. R. Bayly*, Buck-st., Camden-town, carrier's clerk.—*G. S. Mann*, Bucklersbury, eating-house keeper.—*H. M. Arthur*, Charles-st., Stepney, musician.—*Daniel Lebowitzki*, Steward-st., Union-st., Bishopsgate, dealer in cigars.—*Wm. Brooks*, Old Gravel-lane, Shadwell, baker.—*John Spence*, Charlton-st., Somers'-town, bookseller.—*George Brittain*, Staining-lane, Maiden-lane, Wood-st., Cheapside, shirt maker.—*Fred. John Mason*, Strand, bookseller.—*Hugh Wentworth Watson*, Diana-place, New-road, licensed victualler.—*Thos. Cranwell*, Grange-road, Bermondsey, tailor.—*Robert Bristow*, Wickham-st., Lambeth, Surrey, out of business.—*R. Jackson*, Hungerford-market, Strand, dealer in birds.—*Wm. S. Henson*, Greville-st., Hatton-garden, attorney at law.

**Adjourned.**

*John Whitelaw*, Dulwich-common, Surrey, out of business.  
*Court-house, WAKEFIELD, (Yorkshire), Feb. 16 at 10.*

**Adjourned.**

*James Gaukrodger*, Milthorne, weaver.

*Feb. 17, at the same hour and place.*

*Thos. Marriott*, Doncaster, publican.—*John Sutcliffe*, Thornton, Bradford, shopkeeper.—*Wm. Senior*, Leeds, out of business.—*Saml. Cooper*, Sheffield, out of business.—*John Bedford*, Leeds, corn-miller.—*Joseph Addy*, Leeds, joiner.—*Moses Warrington*, Leeds, travelling draper.—*Chas. Thompson*, Sheffield, out of business.—*John Grant*, Leeds, victualler.—*Wm. Trees*, Clifton Mill, near Ralldon, Bradford, farmer.—*John Tomlinson*, Ilkley, near Otley, calf jobber.

*Court-house, KINGSTON-UPON-HULL, Feb. 20 at 10.*

*Chas. Daniels*, Hessele, nurseryman.—*Wm. Corby*, Hull, hair dresser.—*Jas. Sweeney*, Hull, saddle-tree maker.—*Wm. Jas. Ward*, Hull, seedsman.—*Rob. Carrick*, Hull, joiner.—*Wm. Anthony*, Hull, painter.—*Job Jacob Smith*, Hull, auctioneer.—*John Mills*, Hull, out of business.—*Jas. Thompson*, Hull, coal dealer.—*Wm. Predgen*, Hull, coal porter.—*Geo. Frost*, Riding-fields, near Beverley, farmer.—*Wm. Purdon*, Hull, bookbinder.—*John Mearns*, Hull, victualler.—*George Hilton*, Kingston-upon-Hull, tailor.—*Geo. Fowler*, Kingston-upon-Hull, mariner.—*Thos. Shaw*, Hull, grocer.—*T. Wilson*, Hull, steam-packet master.—*Edw. Colton*, Hull, whip maker.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Wm. Holmes*, Newton-upon-Ouse, near Yorkshire, inn-keeper, Thomas's, York: 1s. in the pound.—*Sidney James Saller*, clerk in the Legacy Duty Office, Walthew's, 5, Furnival's-inn: 5s. 9d. in the pound (in addition to a former dividend of 8½d.).—*William Sutton*, Worcester, boatman, Coles's, Worcester: 4s. in the pound.—*Wm. Billett*, Overton, Hampshire, licensed victualler, Cole & Co.'s, Basingstoke: 3s. 9d. in the pound.—*George Jakeman*, Floore, Northamptonshire, miller, Hewitt's, Northampton: 1s. 9d. in the pound.

**MEETING.**

*George Joy*, Feb. 4 at 11, Court-house, Portugal-st., Lincoln's-inn-fields, pr. d.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed James John Roche, of Glastonbury, Somersetshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

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# The Jurist

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, FEBRUARY 4, 1843.

Tax prevalent rage of the present day is to *force* everybody to take care of himself and his property. It is not now thought enough to *offer* men protection; but plans upon plans are devised by learned and ingenious persons to *compel* them to accept it. The genius of the age is in fact socially meddling and despotic; and everybody now is burning with zeal to take care of everybody else. It is not to be supposed that such a spirit can maintain itself without a considerable exercise of imagination; nor does it. In every department of life, our eyes are day by day opened by some startling pamphlet to social or legal dangers, of the existence of which we had before no knowledge; and we find that we have been tottering through the valley of the shadow of death, while we thought ourselves walking in the pleasant paths of security.

We have been led into these remarks by a singular production\* now before us, the object of which is to advocate the abolition of all private trusts, and to constitute a general court of trusts, or judicial establishment for the protection and administration of trust property. The author of the pamphlet in question has found out that the system of private trusts is one fraught with such immense and general danger and mischief, that it demands the immediate interference of the Legislature to prevent it from overwhelming and paralysing society. And he makes out his case for a Court of Trusts, a sort of vast official trustee for managing all the trusts in the kingdom, by selecting all the cases of mischief and annoyance which occasionally occur to individual cestui que trust and individual trustees, and treating them in his argument as if they were the rule, instead of the exception. The broad principle of trusts is simple enough.

It is this: that, when a man wishes to withdraw wholly or partially his property, not merely from the accidents which may befall himself, but from the effects of his own control over it, he may do so by constituting it the property of another in point of legal title; directing, however, the particular modes in which the legal owner shall apply every part of it. Undoubtedly, if the law interfered in no way between the trustee and the cestui que trust, if it recognised only the legal title, and left the security of the trust fund to the mere conscience of the trustee, there might be some ground for the lamentations and the propositions in which the learned writer referred to indulges. But let us see what is the law of trusts as administered in equity, and what is the practice of men in framing and managing them. The trustee is in equity the holder of the property for the exclusive benefit of the cestui que trust; he may not depart in the slightest point from the powers and provisions of the instrument of trust, without personal liability. If he use the trust fund in any business, he is accountable for all the profit that he may make; and he is liable to make up all loss, if there be loss. He is bound to give his best judgment and his best care; and, as a consequence, he must frequently give much of his time to the preservation of the property; and if he is guilty in any of these things, even of neglect, much more if he is guilty of any fraud, he is personally liable. Should he omit to keep proper accounts, or should he refuse to produce them at reasonable times, he is at any time liable to a suit in equity, of which, if misconduct of any kind be brought home to him, he will have to pay the costs. Thus much for the theory of a trustee's liabilities, and all equity lawyers know well that the Court maintains a watch, strict to the extent even of harshness, over the conduct of trustees.

Next, as to the question whether the machinery of equity and the practice of mankind assist or oppose the carrying out of that theory into practice.

\* Suggestions for Putting an End to all Private Trusts, &c. By Edward Cooke, Esq., Barrister at Law. Stevens & Norton, London.

Trusts are usually of land or of money. To speak in general terms, they are of moveable or of immoveable property. When lands, houses, or generally immoveables, are devised or settled by way of trust, they are usually, we believe, we might say almost invariably, vested in more than one trustee; sometimes two, but more generally in three or four. The trustees are mostly strangers to each other, and the trusts are almost invariably declared in the deeds under which the trustees claim title. Hence arises a considerable difficulty in the way of breach of trust. It is clear that no title can in general be made to third parties, in other words, there can be no safe alienation of trust estates, except by the joining of all the trustees. It can hardly therefore exist without the concurrence of two, three, or four persons in an act requiring that all shall be rogues; that all shall be daring rogues; and that being such, they shall all have confidence in each other. Need we say, that, a priori, it might be predicted that such a concurrence of circumstances would be rare; and need we say, that in fact such breaches of trust are most extremely rare? But more; such an alienation can rarely take place without notice actual or constructive to the alienee, unless by means of some fraud so gross, that few men are ever found bold and skilful enough to perpetrate it without detection.

Let us pass next to trusts of moveable property, money, and the like. Now, we believe, in regard to trust property of this kind, it is not too much to say, that at least nine-tenths of all the property so settled are invested in public securities, the invariable direction in trust-deeds being that the personal property, if outstanding, is to be got in and invested in the Parliamentary funds, &c. In this class of cases also the investment is always in the names of all the trustees, and it requires, as in the case of real property, the concurrence of all to effect the transfer of the fund.

Then with regard to the remedies for the detection and punishment of breach of trust, of which Mr. Cooke ventures to assert, that "the law offers no means at present of effectually counteracting it\*." If there be any kind of wrong-doing in this world, which is more than any other hedged round with dangers and difficulties, we should have thought that it is the commission of a breach of trust. Those who have in the course of professional practice seen much of suits turning on breaches of trust, are well aware that it is scarcely possible to commit a continuing breach of trust, without leaving marks of its progress, without leaving internal evidence of the malfeasance, which not even the boldest false swearing will suffice to remove. And if we consider what is the frame of a bill for breach of trust,—that it is impossible for a guilty trustee to elude its searching inquiries without incurring the danger of process of contempt, or to deny its charges without incurring the imminent risk of an indictment for perjury, we must, we think, admit that the machinery of Chancery, for detecting breaches of trust, is at least as powerful as any engine used for discovering any species of malfeasance; and accordingly in the books there is scarcely an instance to be found of trustees charged with a breach of trust, being able to elude the searching nature of the proceedings. Many instances may be found of

trustees suffering damage from incautiously exceeding their powers, but few of cestuis que trust being ultimately deprived of their property.

The average danger to cestuis que trust, we assert, therefore, unhesitatingly, to be of extremely small amount, probably of less amount than the danger to property in any other species of human transaction. Of the economy to the cestui que trust of the system of private trusts, it is needless to speak. In the great majority indeed of trusts of personal property, no expense whatever is thrown on the cestui que trust; and even in trusts of large landed estates, the cost to the cestui que trust is seldom as much as it would be if he were the legal owner and managed his property himself. So economical an administration of trust estates by any public authorities would be manifestly impracticable.

On what ground, then, is the establishment of a public and compulsory administration of trusts advocated? Would such an administration be wholly free from danger? The frauds committed not many years ago on the Court of Bankruptcy by its own officials, and the gross breach of trust but lately perpetrated in the very teeth of Chancery surveillance and management, (*Brydges v. Bransfil*, 6 Jur. 310), afford an answer, and shew that there is an extent of cunning fraud, against which judicial administration is not more powerful than private watchfulness. The absolute certainty of security would not then be obtained by a public and judicial administration of trusts; and the benefit of such an administration seems to reduce itself to forcing men to pay for a costly establishment, which would, in point of protection, put them in no better situation than they are in already.

#### COURT OF COMMON PLEAS.

6 VICTORIA.—Jan. 30, 1843.

This Court will, on Wednesday, the 8th day of February next, hold a Sitting, to give judgment in such cases as stand over for the judgment of this Court.

N. C. TINDAL.

#### COURT OF EXCHEQUER.

6 VICTORIA.—Jan. 28, 1843.

This Court will, on Monday, the 13th day of February next, and on Tuesday, the 14th day of the same month, (being in addition to the days already appointed by the Court), hold Sittings, and will proceed in disposing of the business pending in the New Trial and Special Papers.

BY THE COURT.

Read in open Court, Jan. 28, 1843

STEPHEN RICHARDS, *Master*.

#### SPRING CIRCUITS OF THE JUDGES.

Lord ABINGER, C. B., will remain in Town.

#### HOMR.

Lord DENMAN, Chief Justice, and Mr. Justice PATTESON.

Hertford, Wednesday, March 1.

Chelmsford, Monday, March 6.

Maidstone, Monday, March 13.

Lewes, Monday, March 20.

Kingston, Monday, March 27.

#### NORFOLK.

Lord Chief Justice TINDAL and Mr. Justice COLERIDGE.

Aylesbury, Monday, March 6.

Bedford, Saturday, March 11.

Huntingdon, Thursday, March 16.

Cambridge, Saturday, March 18.

Bury St. Edmunds, Saturday, March 25.

Norwich and City, Saturday, April 1.

\* See p. 5 of his pamphlet; see also the expressions used in p. 3.

## NORTHERN.

Mr. Baron PARKE and Mr. Justice COLTMAN.  
York and City, Saturday, March 4.  
Liverpool, Saturday, March 25.

Mr. Baron ROLFE.

Lancaster, Saturday, Feb. 25.  
Appleby, Wednesday, March 8.  
Carlisle, Saturday, March 11.  
Newcastle and Town, Friday, March 17.  
Durham, Saturday, March 25.

## MIDLAND.

Mr. Baron ALDERSON and Mr. Baron GURNEY.  
Northampton, Monday, Feb. 27.  
Oakham, Friday, March 3.  
Lincoln and City, Saturday, March 4.  
Nottingham and Town, Friday, March 10.  
Derby, Wednesday, March 15.  
Leicester and Borough, Tuesday, March 21.  
Coventry, Monday, March 27.  
Warwick, Tuesday, March 28.

## NORTH WALES.

Mr. Justice WILLIAMS.

Welshpool, Tuesday, March 7.  
Bala, Monday, March 13.  
Carnarvon, Thursday, March 16.  
Beaumaris, Tuesday, March 21.  
Ruthin, Friday, March 24.  
Mold, Thursday, March 30.  
Chester, Saturday, April 1.

## SOUTH WALES.

Mr. Justice MAULE.

Swansea, Wednesday, Feb. 22.  
Haverfordwest and Town, Wednesday, March 8.  
Cardigan, Monday, March 13.  
Carmarthen, Thursday, March 16.  
Brecon, Thursday, March 23.  
Presteign, Wednesday, March 29.  
Chester, Saturday, April 1.

## OXFORD.

Mr. Justice ERSKINE and Mr. Justice WIGHTMAN.<sup>1</sup>

Reading, Tuesday, Feb. 21.  
Oxford, Saturday, Feb. 25.  
Worcester and City, Saturday, March 4.  
Stafford, Saturday, March 11.  
Shrewsbury, Thursday, March 23.  
Hereford, Tuesday, March 28.  
Monmouth, Saturday, April 1.  
Gloucester and City, Wednesday, April 5.

## WESTERN.

Mr. Justice CRESSWELL and Mr. Serjt. ATCHERLEY.

Winchester, Thursday, Feb. 23.  
New Sarum, Thursday, March 2.  
Dorchester, Wednesday, March 8.  
Taunton, Monday, March 13.  
Bodmin, Wednesday, March 22.  
Exeter and City, Wednesday, March 29.

## Court Papers.

EQUITY SITTINGS AFTER HIL. TERM, 1843.

## Court of Chancery.

Before the LORD CHANCELLOR, at Lincoln's Inn.

Saturday....	Feb. 11	First Seal.—Appeal Motions.
Monday.....	13	
Tuesday.....	14	Appeals.
Wednesday.....	15	
Thursday.....	16	
Friday.....	17	
Saturday.....	18	
Monday.....	20	

Tuesday.....	21	Appeals.
Wednesday.....	22	
Thursday.....	23	
Friday.....	24	
Saturday.....	25	
Monday.....	27	
Tuesday.....	28	Second Seal.—Appeal Motions.
Wednesday, March 1	1	
Thursday.....	2	
Friday.....	3	
Saturday.....	4	
Monday.....	6	
Tuesday.....	7	Appeals.
Wednesday.....	8	
Thursday.....	9	
Friday.....	10	
Saturday.....	11	
Monday.....	13	
Tuesday.....	14	Third Seal.—Appeal Motions.
Wednesday.....	15	
Thursday.....	16	
Friday.....	17	
Saturday.....	18	
Monday.....	20	
Tuesday.....	21	Appeals.
Wednesday.....	22	
Thursday.....	23	
Friday.....	24	
Saturday.....	25	
Monday.....	27	
Tuesday.....	28	Fourth Seal.—Appeal Motions.
Wednesday.....	29	
Thursday.....	30	
Friday.....	31	Petitions.

Such days as his Lordship is occupied in the House of Lords excepted. The Sittings will end on the 7th April.

## Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.

Saturday....	Feb. 11	Motions.
Monday.....	13	
Tuesday.....	14	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday.....	15	
Thursday.....	16	
Friday.....	17	
Saturday.....	18	
Monday.....	20	
Tuesday.....	21	
Wednesday.....	22	
Thursday.....	23	
Friday.....	24	
Saturday.....	25	
Monday.....	27	
Tuesday.....	28	
Wednesday, March 1	1	
Thursday.....	2	Motions.
Friday.....	3	
Saturday.....	4	Petitions in General Paper.
Monday.....	6	
Tuesday.....	7	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday.....	8	
Thursday.....	9	
Friday.....	10	
Saturday.....	11	
Monday.....	13	
Tuesday.....	14	Motions.
Wednesday.....	15	
Thursday.....	16	
Friday.....	17	
Saturday.....	18	
Monday.....	20	
Tuesday.....	21	Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Wednesday.....	22	
Thursday.....	23	
Friday.....	24	
Saturday.....	25	
Monday.....	27	
Tuesday.....	28	
Wednesday.....	29	

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Thursday ..... 30 Motions.  
 Friday ..... 31 Petitions in General Paper.  
 Short Causes, Consent Causes, and Consent Petitions, every Tuesday, at the Sitting of the Court.

### Vice-Chancellors' Courts.

*Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Saturday... Feb. 11 First Seal.—Motions.  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 16  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Wednesday ..... 22  
 Thursday ..... 23  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday, March 1  
 Thursday ..... 2 Second Seal.—Motions.  
 Friday ..... 3  
 Saturday ..... 4  
 Monday ..... 6  
 Tuesday ..... 7  
 Wednesday ..... 8  
 Thursday ..... 9 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Friday ..... 10  
 Saturday ..... 11  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 16 Third Seal.—Motions.  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21  
 Wednesday ..... 22  
 Thursday ..... 23 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday ..... 29  
 Thursday ..... 30 Fourth Seal.—Motions.  
 Friday ..... 31 Petitions.

The Vice-Chancellor of England will hear Unopposed Petitions and Short Causes, previous to the General Paper, every Friday during the Sittings.—The Adjourned Petitions the Vice-Chancellor will hear on the 1st February.—The Sittings will end on the 7th April.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.*

Saturday... Feb. 11 First Seal.—Motions and Causes.  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 16  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Wednesday ..... 22  
 Thursday ..... 23  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday, March 1  
 Thursday ..... 2 Second Seal.—Motions and Causes.  
 Friday ..... 3  
 Saturday ..... 4  
 Monday ..... 6  
 Tuesday ..... 7 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Wednesday ..... 8

Thursday ..... 9  
 Friday ..... 10  
 Saturday ..... 11 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 15 Third Seal.—Motions and Causes.  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21  
 Wednesday ..... 22  
 Thursday ..... 23 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday ..... 29  
 Thursday ..... 30 Fourth Seal.—Motions and Causes.  
 Friday ..... 31 Petitions.

The Vice-Chancellor Knight Bruce will hear Unopposed Petitions and Short Causes, previous to the General Paper, every Saturday.—The Vice-Chancellor Knight Bruce will sit at Lincoln's Inn to hear Bankrupt Petitions and Motions in Bankruptcy on the 1st, 2nd, 4th, 6th, and 8th days of February; and will take Bankrupt Petitions and Motions in Bankruptcy on every succeeding Monday and Wednesday until the 7th April.—The Sittings will end on the 7th April.

*Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.*

Saturday... Feb. 11 First Seal.—Motions and Causes.  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 16  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Wednesday ..... 22  
 Thursday ..... 23  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday, March 1  
 Thursday ..... 2 Second Seal.—Motions and Causes.  
 Friday ..... 3  
 Saturday ..... 4  
 Monday ..... 6  
 Tuesday ..... 7  
 Wednesday ..... 8 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Thursday ..... 9  
 Friday ..... 10  
 Saturday ..... 11  
 Monday ..... 13  
 Tuesday ..... 14  
 Wednesday ..... 15  
 Thursday ..... 16 Third Seal.—Motions and Ditto.  
 Friday ..... 17  
 Saturday ..... 18  
 Monday ..... 20  
 Tuesday ..... 21  
 Wednesday ..... 22  
 Thursday ..... 23 Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Friday ..... 24  
 Saturday ..... 25  
 Monday ..... 27  
 Tuesday ..... 28  
 Wednesday ..... 29  
 Thursday ..... 30 Fourth Seal.—Motions and Causes.  
 Friday ..... 31 Petitions.

The Vice-Chancellor Wigram will hear Unopposed Petitions and Short Causes, previous to the General Paper, every Saturday during the Sittings.—The Sittings will end on the 7th April.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Samuel Cook Frankish, of Kingston-upon-Hull, Gent., to be a Master Extraordinary in the High Court of Chancery.



## London Gazette.

TUESDAY, JANUARY 31.

## DECLARATION OF INSOLVENCY.

THOMAS BOMFORTH, Kingston-upon-Hull, ship builder.  
BANKRUPTS.

FRANCIS FENTON, Little Peter-st., Westminster, grocer, cheesemonger, beer-shop keeper, and eating-house keeper, Feb. 10 at half-past 12, and March 10 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lucas & Parkinson, Argyle-square, Regent-street.—Fiat dated Jan. 16.

WILLIAM WOODS, sen., and WILLIAM WOODS, jun., Newgate-street, general hardwareman and manufacturers, Feb. 14 at 1, and March 3 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Goddard, King-street, Cheapside.—Fiat dated Jan. 24.

ROBERT AMES, Margate, Kent, linen draper, Feb. 11 and March 10 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Cox, Pinner's-hall, Old Broad-street.—Fiat dated Jan. 20.

WILLIAM HENRY TURNER and THOMAS BLUCHER TURNER, Blackburn, Lancashire, cotton spinners and manufacturers, Feb. 14 and March 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Grimsditch, Macclesfield; Slater & Heelis, Manchester: Bell & Co., Bow Church-yard.—Fiat dated Jan. 23.

JOSEPH BRADWELL, York, ironmonger and ironfounder, Feb. 16 and March 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Wood, York; Richardsons & Gold, York.—Fiat dated Jan. 25.

JOHN RIDSDALE, Headingley, Leeds, stuff merchant, Feb. 13 and March 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. George & Rawson, Bradford.—Fiat dated Jan. 23.

JOHN JONES, Liverpool, wine and spirit merchant, Feb. 8 at 12, and March 7 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Robinson, Liverpool.—Fiat dated Jan. 12.

DAVID ROBERTSON, Liverpool, merchant, Feb. 9 at 12, and March 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sol. Watson, Liverpool.—Fiat dated Jan. 26.

RICHARD RYMER, Chorlton-upon-Medlock, Manchester, house painter and plasterer, Feb. 13 and March 8 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Foster, Manchester; Lake & Waldron, Basinghall-st.—Fiat dated Jan. 26.

THOMAS CARTWRIGHT, Heaton Norris, Lancashire, banker, Feb. 13 and March 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Lingard & Co., Stockport; Bower & Black, Chancery-lane.—Fiat dated Jan. 21.

## MEETINGS.

*Wm. Hopper*, Great Queen-st., Lincoln's-inn-fields, carpet warehouseman, Feb. 13 at 2, Court of Bankruptcy, London, last ex.—*Jas. Hilliar*, Lymington, Southampton, innkeeper, Feb. 13 at 2, Court of Bankruptcy, London, last ex.—*Beale Brown*, Liverpool, commission merchant, Feb. 14 at 11, District Court of Bankruptcy, Liverpool, last ex.—*G. Souler*, Birmingham, japanner, Feb. 8 at 1, District Court of Bankruptcy, Birmingham, last ex.—*J. Smith*, Wednesbury, Staffordshire, grocer, Feb. 17 at 12, District Court of Bankruptcy, Birmingham, last ex.—*John Davies*, Wellington, Shropshire, plumber and glazier, Feb. 15 at 2, District Court of Bankruptcy, Birmingham, last ex.—*Thos. White*, jun., Gosport, Hampshire, ship builder, Feb. 23 at 11, Court of Bankruptcy, London, aud. ac.—*John Goodered*, sen., Piccadilly, shell fishmonger, Feb. 23 at 12, Court of Bankruptcy, London, aud. ac.—*Rich. Jas. Webb*, Piccadilly, tailor, Feb. 23 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. Lionel F. Tollemache*, Penton Lodge, near Andover, Hampshire, horse dealer, Feb. 23 at 1, Court of Bankruptcy, London, aud. ac.—*T. Feaver*, Ludgate-hill, mercer, Feb. 22 at 12, Court of Bankruptcy, London, aud. ac.; Feb. 23 at 11, div.—*John Burslem*, King's Lynn, Norfolk, stationer, Feb. 22 at half-past 12, Court of Bankruptcy, London, aud. ac.; Feb. 23 at half-past 12, div.—*John Maddell*, Freeman's-court, Cheapside, wine merchant, March 4 at 12, Court of Bankruptcy, London, aud. ac.—*Th. Cornish*, Great Marlborough-street, wine merchant, Feb. 22 at

11, Court of Bankruptcy, London, aud. ac.—*Louis Goodman*, Tottenham-court-road, draper, Feb. 23 at 12, Court of Bankruptcy, London, aud. ac.—*Sam. C. Boyce*, Fenchurch-street, cheesemonger, Feb. 22 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Rowarth*, Wellingborough, Northamptonshire, confectioner, Feb. 22 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. A. Goodall*, Epworth, Lincolnshire, chemist, Feb. 22 at 12, District Court of Bankruptcy, Leeds, aud. ac.; Feb. 24 at 12, div.—*E. Charlton*, Newcastle-upon-Tyne, scrivener, Feb. 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Feb. 22 at 11, fin. div.—*J. Jas. Iselin*, St. Bennet's-place, Gracechurch-st., merchant, Feb. 23 at half-past 11, Court of Bankruptcy, London, div.—*Jas. Greenlees*, Friday-st., Cheapside, shawl warehouseman, Feb. 23 at 12, Court of Bankruptcy, London, div.—*Ralph Phillips* and *Saml. Phillips*, Regent-st., lamp manufacturers, Feb. 22 at 3, Court of Bankruptcy, London, div.—*E. Lindo*, Matson's-cottages, Kingsland, coal merchant, Feb. 24 at 2, Court of Bankruptcy, London, div.—*Thos. Baker*, Birmingham, brass-cock maker, Feb. 28 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Lawley*, Stafford, cooper, Feb. 22 at 11, District Court of Bankruptcy, Birmingham, div.—*Chas. Ferris*, Bristol, victualler, March 3 at 11, District Court of Bankruptcy, Bristol, div.—*Edw. Mansell*, Chippenham, Wiltshire, upholsterer, Feb. 28 at 11, District Court of Bankruptcy, Bristol, div.

## CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

*Geo. F. Kerachner*, Great Surrey-st., Southwark, victualler, Feb. 23 at 12, Court of Bankruptcy, London.—*Edw. Smith*, Lawrence-lane, woollen warehouseman, Feb. 25 at half-past 1, Court of Bankruptcy, London.—*B. L. Watson*, Cornhill, London, and Gordon-sq., St. Pancras, Middlesex, and Queenborough, Kent, manufacturer of flags, Feb. 23 at 11, Court of Bankruptcy, London.—*Samuel Moore*, King William-st., London-bridge, woollen-draper, Feb. 22 at 12, Court of Bankruptcy, London.—*Chas. Huntsman*, High Holborn, chemist, Feb. 22 at 12, Court of Bankruptcy, London.—*Wm. Ashcroft*, jun., Arbour-sq., Commercial-road, cooper, Feb. 21 at 2, Court of Bankruptcy, London.—*John Herring* and *Wm. Herring*, Newcastle-upon-Tyne, merchants, Feb. 21 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Dickson*, Newcastle-upon-Tyne, draper, Feb. 21 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Bagshaw*, Manchester, cotton manufacturer, Feb. 23 at 12, District Court of Bankruptcy, Manchester.—*Thos. A. Goodall*, Epworth, Lincolnshire, chemist, Feb. 22 at 12, District Court of Bankruptcy, Leeds.—*Wm. Osburn*, jun., Leeds, wine merchant, Feb. 22 at 11, District Court of Bankruptcy, Leeds.—*George Swires*, Hightown, Birstall, Yorkshire, merchant, Feb. 24 at 11, District Court of Bankruptcy, Leeds.—*E. Roberts*, Oswestry, Shropshire, draper, Feb. 28 at half-past 1, District Court of Bankruptcy, Birmingham.—*John Creed Mayer*, Burslem, Staffordshire, joiner, Feb. 28 at 12, District Court of Bankruptcy, Birmingham.—*John Jennison*, Manchester, victualler, Feb. 23 at 12, District Court of Bankruptcy, Manchester.—*Richard Thelwell*, Manchester, silversmith, Feb. 23 at 1, District Court of Bankruptcy, Manchester.—*J. Richmond*, Lime-st., London, merchant, Feb. 21, Court of Bankruptcy, London.—*Thomas Jenner*, jun., High-st., St. Giles, oil and colour man, Feb. 21, Court of Bankruptcy, London.—*Benj. Laurence*, Crown-ct., Old Broad-st., merchant, Feb. 21, Court of Bankruptcy, London.—*David Nyman*, Bath, Somersetshire, and Cheltenham, Gloucestershire, furrier, Feb. 21, Court of Bankruptcy, London.—*Jos. Pidcock* and *Thos. Burton*, Nottingham, corn factors, Feb. 21, Court of Bankruptcy, London.—*John Watson*, Manchester, muslin manufacturer, Feb. 21, Court of Bankruptcy, London.—*Michael Potter* and *John Lever*, Manchester, commission agents, Feb. 21, Court of Bankruptcy, London.—*Radford Potts*, Leeds, Yorkshire, wool broker, Feb. 21, Court of Bankruptcy, London.—*John Henry Anderson*, Manchester, printer, Feb. 21, Court of Bankruptcy, London.—*John Reid*, King William-st., chemist, Feb. 21, Court of Bankruptcy, London.—*Saml. A. Goddard* and *Rich. Hill*, Birmingham, merchants, Feb. 21, Court of Bankruptcy, London.—*Benj. Allport*, Liverpool, coffee merchant, Feb. 21, Court of Bankruptcy, London.—*P. Little*, Blackburn, Lancashire, currier, Feb. 21, Court of Bankruptcy, London.—*Matthew Foster*, Crosby-hall-chambers, London, and Hackney, merchant, Feb. 21, Court of Bankruptcy, London.—*Alfred Walford*, Manchester, com-



mission agent and drysalter, Feb. 21, Court of Bankruptcy, London.—*George Dodson*, Boston, Lincolnshire, wool dealer, Feb. 21, Court of Bankruptcy, London.—*Thomas Arnold*, Paternoster-row, London, bookseller and publisher, Feb. 21, Court of Bankruptcy, London.—*Robert Watson*, Colne, Lancashire, manufacturer of pieces, Feb. 21, Court of Bankruptcy, London.—*Ralph Stevens* and *John Adams Stevenson*, Cobridge, Staffordshire, manufacturers of earthenware, Feb. 21, Court of Bankruptcy, London.—*John Topham*, Liverpool, money scrivener, Feb. 21, Court of Bankruptcy, London.—*Wm. Bayley*, Hastings, Sussex, wholesale grocer, Feb. 21, Court of Bankruptcy, London.—*Thos. Perry*, Liverpool, builder, Feb. 21, Court of Bankruptcy, London.—*Stephen Forster*, Gateshead, Durham, iron-founder, Feb. 21, Court of Bankruptcy, London.—*Michael Willis*, Egham, Surrey, stage-coach proprietor, Feb. 21, Court of Bankruptcy, London.—*James Robbins*, Winchester, Hampshire, bookseller, Feb. 21, Court of Bankruptcy, London.—*John Kirkley Myers*, Sunderland, Durham, spirit-merchant, Feb. 21, Court of Bankruptcy, London.—*Thomas Baker*, Birmingham, brass-cock maker, Feb. 28 at 11, District Court of Bankruptcy, Birmingham.

#### FIATS ANNULLED.

*John Buckthought*, East Looe, Cornwall, currier.—*Jane Jones*, widow, Carnarvon, woollen-draper and general shop-keeper.

#### PARTNERSHIPS DISSOLVED.

*Alex. Liddell* and *Wm. Whiteside*, Poulton in the Fylde, Lancashire, attorneys at law, solicitors, and conveyancers.—*James Templer*, *Jas. Edward Shearman*, and *Francis Slater*, attorneys, solicitors, conveyancers, and parliamentary agents.

#### SCOTCH SEQUESTRATIONS.

*Janet and Mary Lang*, Edinburgh, letters of furnished lodgings.—*Thomas Fea*, Lerwick, collector of the customs.—*J. Smith & Son*, Glasgow, merchants.—*Thos. Cruickshank*, Aberdeen, innkeeper, deceased.—*James Weir*, Braehead, Auchinleck, farmer.—*Arthur and Matheson*, Glasgow, clothiers.

#### INSOLVENT DEBTORS.

*Saturday, Jan. 28.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Stockdale Herring*, Bradford, Yorkshire, flour-dealer, No. 60,938 C.; *Thos. Cowgill*, new assignee, in the room of *John O. Burnley*, removed.—*Mark Benjamin*, Dalby-terrace, City-road, out of business, No. 52,268 T.; *Richard N. Reeve*, assignee.—*John S. Currie*, Liverpool, surgeon, No. 61,487 C.; *James Scott*, assignee.—*Hen. Browne*, Stanhope-terrace, Regent's-park, surgeon, No. 52,059 T.; *Benjamin Eveleigh*, assignee.—*Wm. Wyatt*, Market-street, Borough-road, Southwark, licensed victualler, No. 54,338 T.; *Richard Nicholson*, assignee.—*Wm. Billett*, Overton, Southampton, licensed victualler, No. 59,335 C.; *Roger Lamb*, sole assignee, *James Compton*, removed.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 21, at 9.*

*John Bent King*, Upper Wharton-street, Bagnigge-wells-road, meat salesman.—*John Dyer*, Strand, out of business.—*Hen. Morris Bedford*, Britannia-terrace, City-road, teacher of singing.—*Thomas Kilby*, Greenhill-terrace, Smithfield, out of business.—*Thomas Reeves*, Hen and Chicken-lane, Walworth-common, Surrey, out of business.—*George Gilmore*, Conant-place, Commercial-road, Limehouse, tailor.—*Wm. B. Coombe*, Gray's-inn-lane, shoemaker.—*Chas. Phillips*, Sutton-place, Sutton-street, Soho-square, hair-dresser.—*William Dingley*, Grocers'-hall-court, Poultry, out of business.—*Otto Henry George Feder*, Princes-street, Leicester-square, teacher of music.—*Susan Game*, Church-row, Aldgate, lodging-house-keeper.—*Jas. Parkin Fryer*, Chester-terrace, Chester-square, Philico, wine and spirit merchant.

*Court-house, READING, Berkshire, Feb. 22 at 10.*

*Charles F. Palmer*, Reading, out of business.—*Thomas Beane*, Binfield, near Bracknell, labourer.—*Adam Pead*, Long Wittenham, near Abingdon, labourer.—*Jas. Cook*, Cookham Dean, Maidenhead, shoemaker.—*John Groves*, Highworth, Wiltshire, brewer's servant.—*Isaac Jones*, Berkshire, bricklayer.—*James Allen*, Waltham St. Lawrence, Maidenhead, dealer in fruit.

*Court-house, YORK, (City), Feb. 22 at 10.*

*Fredk. Samuel Hope*, Castlegate, medical student.—*John Greer*, High Jubbergate, dealer in earthenware.—*Ann Harland*, Binley-grove, widow, out of business.—*George James Fenton*, Aldwark, attorney's clerk.—*Robert Fowler*, York, stone-mason.—*Douglas Metcalf*, Feasegate, brush manufacturer.—*David Rogers*, High Ousegate, shoemaker.—*William Darbyshire*, Goodramgate, dealer in hay.—*Ed. Thorpe*, York, shoemaker.

*Court-house, YORK CASTLE, (County), Feb. 22 at 10.*

*John Robson*, Dalton-upon-Tees, toll contractor.—*Wm. S. Page*, jun., Scarborough, attorney.—*Thos. Harper*, Ellerker, near South-cave, shopkeeper.—*James Tran*, Stone Ferry, labourer.—*Joe. Usher*, Scarborough, flour-dealer.—*Geo. Turner*, Gilberdyke, publican.—*Saml. Brittain*, Newport, assistant to a tile-merchant.—*Thomas Sellar*, Scarborough, out of business.—*Richard Simpson*, Leeming, out of business.—*Johnson Morrod*, Cottingham, out of business.—*Robert Sawden*, Nafferton, farmer.

#### Adjourned.

*Simon P. Lambert*, Richmond, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Clark Summers*, Strand, out of business, *Lewis's*, Clement's-lane: 1s. 3d. in the pound.—*Henry George John Wildman*, Barnstaple, stationer, Block's, Paternoster-row: 1s. 11½d. in the pound.—*Mary Ann Mackoy*, Lower Chapman-street, Commercial-road East, widow, Cane's, Kingland-road, Shoreditch: 5s. 6d. in the pound (in addition to a former dividend of 4s. 6d.).—*Hen. Smith*, Great Chart, near Ashford, Kent, licensed victualler, Morgan's, Maidstone: 7s. 8d. in the pound.

#### MEETING.

*George Ashforth*, Loxley, Bradfield, Ecclesfield, Yorkshire, farmer, Feb. 15 at 11, Ryalls's, Sheffield, ch. ass.

#### FRIDAY, FEBRUARY 3.

#### BANKRUPTS.

*FREDERICK CUTBUSH*, Kennington, near Ashford, Kent, seedsman, Feb. 10 at half-past 1, and March 17 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Francis & Son, Monument yard.—Fiat dated Jan. 30.  
*WILLIAM MARSHALL*, Worthing, Sussex, butcher, Feb. 11 at 11, and March 24 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Palmer & Co., Bedford-row.—Fiat dated Jan. 30.

*ALEXANDER NORTON*, Edward's-st., Portman-sq., upholsterer and cabinet maker, Feb. 11 at 1, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Kinsey, Bloomsbury-sq.—Fiat dated Jan. 27.

*THOMAS HERRIDGE*, Upper Wharton-st., Clerkenwell, builder, Feb. 15 and March 8 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Wells, Wilmington-sq., Clerkenwell.—Fiat dated Jan. 30.

*WILLIAM MAYS*, Brigstock, Northamptonshire, feltmonger and trader, Feb. 17 at 2, and March 10 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Cook & Saunders, New Inn.—Fiat dated Jan. 31.

*LING ROBINSON*, Ballingdon, Essex, millwright, Feb. 17 at 12, and March 15 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Raimondi & Gooday, 14, South-sq., Gray's-inn.—Fiat dated Jan. 24.

*SAMUEL PRESLAND* and *HENRY JOHN OSBALD-ISTON*, Castle-court, Lawrence-lane, warehousemen, Feb. 10 and March 14 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Barlow & Aston, Manchester; Bower & Back, Chancery-lane.—Fiat dated Jan. 25.

*ISABELLA NOWELL*, Huddersfield, Yorkshire, currier, Feb. 14 at 1, and March 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Lacock, Huddersfield.—Fiat dated Jan. 21.

*EDWARD CRAGG*, Kendal, Westmoreland, innkeeper, Feb. 14 at 2, and March 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Fearenside, Burton, Westmoreland; Sheppard, Grosvenor-st., London.—Fiat dated Jan. 23.

*HERVEY LANE*, Derby, innkeeper, and licensed victualler, Feb. 10 and March 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Blackburn, Leeds.—Fiat dated Jan. 24.

**RICHARD WHISTON**, Clun, Shropshire, shoemaker, Feb. 13 and March 9 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. William, Knighton.—Fiat dated Jan. 17.

**THOMAS KNOWLES, DANIEL LEWIS**, and **EDWARD DODD**, Dudley, Worcestershire, foundrymen, Feb. 11 at half-past 12, and March 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Shaw, Dudley.—Fiat dated Jan. 23.

**GEORGE THOMPSON** and **EDWARD CRESWELL**, Manchester, solicitors and money scriveners, Feb. 21 at 11, and March 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Emmett and Allen, Bloomsbury-sq.—Fiat dated Jan. 25.

**WILLIAM MOSS**, Kingston-upon-Hull, woollen draper and hatter, Feb. 10 and March 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. England & Shackles, Hull.—Fiat dated Jan. 27.

**THOMAS MOSS**, Newport Grange, Eastington, Yorkshire, brick and tile maker, Feb. 10 and March 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. England & Shackles, Hull.—Fiat dated Jan. 27.

**CHARLES PICKSLAY**, Sheffield, merchant and manufacturer, Feb. 14 and March 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Rodgers, Sheffield; Sykes, Leeds.—Fiat dated Jan. 31.

**HUGH PARKER, OFFLEY SHORE, JOHN BREWIN**, and **JOHN RODGERS**, Sheffield, bankers, Feb. 15 and 17, and March 1, 8, and 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Smith, Sheffield.—Fiat dated Jan. 16.

**GEORGE THOMAS CASWELL**, Birmingham, glass and china dealer, and Wolverhampton, Staffordshire, pump maker, Feb. 13 at 1, and March 11 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. A. & T. S. Ryland, Birmingham; Suckling, Birmingham.—Fiat dated Jan. 31.

**EDWARD OLLERENSHAW**, Manchester, hat manufacturer, Feb. 14 and March 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Bagshaw & Stevenson, Manchester; Johnson & Co., King's-bench-wk., Temple.—Fiat dated Jan. 31.

**ROBERT THOMPSON CARTWRIGHT**, Louth, Lincolnshire, woollen draper, Feb. 15 and March 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. P. Wells, jun., and R. Wells, Kingston-upon-Hull; Horsfall & Harrison, Leeds.—Fiat dated Jan. 21.

#### MEETINGS.

*Aug. D. Brokowski*, High-street, Wapping, ship chandler, Feb. 17 at 1, Court of Bankruptcy, London, last ex.—*Henry Clepham*, Liverpool, woollen draper, Feb. 21 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Wm. Blain*, St. Andrew's-road, Southwark, draper, Feb. 24 at half-past 11, Court of Bankruptcy, London, and ac.—*Hen. Ford*, Aylesbury, Buckinghamshire, grocer, Feb. 24 at 12, Court of Bankruptcy, London, and ac.—*John Dickens*, Northampton, upholsterer, Feb. 24 at half-past 12, Court of Bankruptcy, London, and ac.—*Benj. Hargreaves*, Manchester, tailor, March 1 at 12, District Court of Bankruptcy, Manchester, and ac.; March 9 at 12, div.—*Gales Atkinson*, Monkwearmouth Shore, hardwareman, Feb. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Feb. 28 at 1, fin. div.—*John Vincent*, Redditch, Worcestershire, pawnbroker, Feb. 27 at half-past 11, Birmingham District Court of Bankruptcy, and ac.—*W. Bull and F. Turner*, Birmingham, printers, Feb. 25 at half-past 11, Birmingham District Court of Bankruptcy, and ac. and pr. d.; Feb. 27 at half-past 12, div.—*A. McKenzie*, Hammond's-court, Mincing-lane, wine merchant, Feb. 24 at half-past 10, Court of Bankruptcy, London, fin. div.—*Mary Gilbert*, Blossoms Inn, Laurence-lane, innkeeper, Feb. 24 at 2, Court of Bankruptcy, London, div.—*Thos. Downes Taylor*, Lower Holborn, wine dealer, Feb. 24 at 11, Court of Bankruptcy, London, div.—*John Litchfield*, Bethnal-green, builder, Feb. 24 at 1, Court of Bankruptcy, London, div.—*Henry J. Collett*, City of London, and Manchester, warehouseman, Feb. 24 at half-past 1, Court of Bankruptcy, London, div.—*John Beeve*, High Holborn, and Drury-lane, carver and gilder, Feb. 24 at 2, Court of Bankruptcy, London, div.—*John M. Holl*, Wm. Oswald, and *Harvey Hoar*, Milk-street, London, Irish linen factors, Feb. 24 at 11, Court of Bankruptcy, London, and ac.; Feb. 27 at 2, div.—*Phil. B. Acherley*, Whitechapel,

Shropshire, mercer, Dec. 19, Birmingham District Court of Bankruptcy, aud. ac. and div.

#### CERTIFICATES

*To be allowed, unless Cause shewn to the contrary.*

*John Jay*, London-wall, builder, Feb. 24 at 12, Court of Bankruptcy, London.—*Robt. Brooks*, St. Alban's, Hertfordshire, grocer, Feb. 27 at half-past 1, Court of Bankruptcy, London.—*Wm. Rayner* and *John Rayner*, Uxbridge, and Hillingdon, seed-crushers, Feb. 27 at half-past 1, Court of Bankruptcy, London.—*Fredk. Devey*, Phoenix-wharf, Whitefriars, coal-merchant, Feb. 28 at half-past 1, Court of Bankruptcy, London.—*G. Chapman*, Pullin's-pl., Islington, cow-keeper, March 4 at half-past 12, Court of Bankruptcy, London.—*R. Pinkerton*, Mark-lane, merchant, Feb. 24 at 11, Court of Bankruptcy, London.—*E. Lane*, Cirencester, edge-tool maker, March 1 at 11, District Court of Bankruptcy, Bristol.—*James Lea*, Gloucester, butcher, March 2 at 11, District Court of Bankruptcy, Bristol.—*Edmund Patrick*, Gloucester, dealer in salt, Feb. 27 at 11, District Court of Bankruptcy, Bristol.—*Richd. Southall*, jun., Birmingham, merchant, Feb. 25 at half-past 12, District Court of Bankruptcy, Birmingham.—*Moses New*, Crown Inn, Malvern, Worcestershire, innkeeper, March 4 at half-past 11, District Court of Bankruptcy, Birmingham.—*George Smith* and *Daniel Smith*, Birmingham, leather-sellers, Feb. 28 at half-past 12, District Court of Bankruptcy, Birmingham.—*James Archer*, Liverpool, wine-merchant, Feb. 28 at 12, District Court of Bankruptcy, Liverpool.—*Richard Dunn* and *Richard D. Dunn*, Wakefield, Yorkshire, corn-factors, Feb. 25 at 1, District Court of Bankruptcy, Leeds.—*John Burton*, Levenshulme, Lancashire, licensed victualler, Feb. 28 at 12, District Court of Bankruptcy, Manchester.—*Thos. Williamson*, Salford, Lancashire, grocer, March 3 at 12, District Court of Bankruptcy, Manchester.—*Jas. Milne*, Newhey, Butterworth, Lancashire, cotton-spinner, Feb. 28 at 12, District Court of Bankruptcy, Manchester.—*John Wilkinson*, Ardwick, Manchester, innkeeper, Feb. 24, Court of Bankruptcy, London.—*Francis Arthur*, Birmingham, coach-maker, Feb. 24, Court of Bankruptcy, London.—*Geo. Carey*, Nottingham, lace manufacturer, Feb. 24, Court of Bankruptcy, London.—*Saml. Rayner*, Friar-gate, Derby, marble-mason, Feb. 24, Court of Bankruptcy, London.—*Pim Nevins*, Leeds, cloth manufacturer, Feb. 24, Court of Bankruptcy, London.—*Mark Elphick*, London-wall, victualler, Feb. 24, Court of Bankruptcy, London.—*Wm. Heslewood*, *Robt. Heslewood*, and *John Skitt*, Kingston-upon-Hull, and Red Lion-wharf, near Thames-street, London, white-lead manufacturers, Feb. 24, Court of Bankruptcy, London.—*Pieter Van den Ende*, London-wall, London, and Milton, Kent, wool-merchant, Feb. 24, Court of Bankruptcy, London.—*Thos. Dixon*, Kirkgate, Leeds, grocer, Feb. 24, Court of Bankruptcy, London.—*Edwin Hodson*, Birmingham, linen-draper, Feb. 24, Court of Bankruptcy, London.—*Wm. Whalley*, Leeds, wool-merchant, Feb. 24, Court of Bankruptcy, London.—*T. Wilcocks*, Bristol, cabinet maker, Feb. 24, Court of Bankruptcy, London.—*R. Lindon*, Snapes, Marlborough, Devonshire, corn-factor, Feb. 24, Court of Bankruptcy, London.—*Ralph Andrew* and *Allen Andrew*, Ashton-under-Lyne, Lancashire, cotton-spinners, Feb. 24, Court of Bankruptcy, London.—*John Chadwick*, Ashton-under-Lyne, Lancashire, cotton-spinner, Feb. 24, Court of Bankruptcy, London.—*John Ridgway*, Hayfield, Glossop, Derbyshire, cotton-spinner, Feb. 24, Court of Bankruptcy, London.—*Fredk. Henry West*, Walsall, Staffordshire, soda-water manufacturer, Feb. 24, Court of Bankruptcy, London.—*Hen. Hedger* and *Jas. Hedger*, Coventry, watch manufacturers, Feb. 24, Court of Bankruptcy, London.—*J. Bowler*, Walsall, Staffordshire, carpenter, Feb. 24, Court of Bankruptcy, London.—*Hannah Charlton*, Regent-street, milliner, Feb. 24, Court of Bankruptcy, London.—*Benjamin Barlow*, Weymouth and Melcombe Regis, Dorsetshire, wine-merchant, Feb. 24, Court of Bankruptcy, London.—*George Saint Harvey*, Melcombe Regis, Dorsetshire, ironmonger, Feb. 24, Court of Bankruptcy, London.

#### PARTNERSHIP DISSOLVED.

*Chas. G. Jones* and *Master Joscelin Cooke*, Gray's-inn-sq., attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Geo. M. Sinclair*, Edinburgh, stock-broker.—*John Smith*, Glasgow, victualler.—*Wm. Nicholson*, Drummur, Torthorwald, Dumfries, farmer.—*Wm. Thomson & Son*, Dalkeith, weights.—*Wm. Sandilands*, Kilmarnock, cooper.

### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Feb. 24 at 9.*

*John Bath*, Windlesham, near Bagshot, Surrey, chimney-sweeper.—*Geo. M. Weston*, Upper George-st., Bryanstone-sq., out of business.—*Jos. Newman*, Queen-st., Soho, seller of horses on commission.—*Nath. R. Holmes*, Lower Heath-pl., Hampstead, out of business.—*James Price*, Clarence-terrace, Haggerstone, pyrotechnist.—*John Herbert*, sen., High-street, Marylebone, painter.—*Wm. Duncan*, jun., Carnaby-street, Golden-square, carrier.—*Arthur Death*, Great Cambridge-st., Hackney-road, baker.—*J. D. Rawlings*, Brydges-st., Covent-garden, house-agent.—*Jas. Stiles*, Northumberland-street, New-road, horse-dealer.—*Geo. Juxon Huggins*, Gravesend, Kent, out of business.—*Geo. Bates*, jun., Lower-marsh, Lambeth, out of business.—*Edward Hill*, Smithfield-bars, printer and sole proprietor of the Inquirer newspaper.

*Adjourned.*

*Henry Howell*, Charles-street, Manchester-square, out of business.

*Feb. 27, at the same hour and place.*

*Wm. Stribling*, Davies-st., Berkeley-square, carpenter.—*Jos. Truman*, Ord-street, Mill-wall, Poplar, eating-house keeper.—*Wm. Isaac Strugnell*, Park-side, Knightsbridge, estate agent.—*Geo. Gambell*, John-street, Edgeware-road, shoe maker.—*Alex. McCallan*, Adam-st. West, Bryanstone-sq., general commission agent.—*Ed. Spiers*, Lucretia-street, Newcut, Lambeth, fruiterer.—*Wm. Clifford*, Queen-street, Horse-lydown, Surrey, fruiterer.—*Jas. Asling*, Regent's-park-barracks, Albany-street, Regent's-park, corporal major in the Royal Horse Guards.—*Hen. Tubb*, Chalcroft-terrace, Newcut, Lambeth, general dealer.—*Geo. Korn*, Lambeth-walk, baker.—*John C. Coates*, Manor-house, Jamaica-level, Bermondsey, Surrey, leather dresser.—*Wm. Chas. Smith*, Chapel-street, Grosvenor-square, hair-dresser.—*Thomas Bacon*, Freeman's-lane, Hotselydown, tailor.

*Court-house, OXFORD, (City), Feb. 24 at 10.*

*Thos. English*, Oxford, servant.—*John B. Cooper*, Oxford, retailer of beer.—*Thos. Williams*, Oxford, stone mason.—*J. Fathers*, Oxford, mason.—*Wm. Evans*, Oxford, shoe maker.—*John Paterson*, Oxford, carver.

*Court-house, OXFORD, (County), Feb. 24 at 10.*

*Geo. Prallley*, Burford, carpenter.—*Geo. Austin*, Burdrip, shoe maker.—*Edwin P. Kent*, Oxford, hair dresser.—*John Tunner*, Headington, out of business.—*E. Long*, New Sott, near Witney, farmer.—*Chas. Harris*, Steeple Aston, out of business.—*Jesse Colegrave*, Silford Ferris, butcher.—*William Beasley*, Deddington, shoe maker.—*Wm. Towerton*, Little Milton, horse dealer.—*Rich. Hiorns*, Great Barford, labourer.—*Jos. Preedy*, Wootton, pig dealer.—*Giles Rockall*, Oxford, picture-frame maker.—*John Jeffcoat*, Leadwell, labourer.—*Wm. Barrett*, Bicester, hatter.

*Court-house, DURHAM, (County), Feb. 25 at 10.*

*Robt. Mould*, South Shields, ship owner.—*Robt. Watson*, Seaham, tailor.—*B. Robson*, Houghton-le-Spring, publican.—*Edward Frank*, Durham, auctioneer.—*W. Ellis*, South Shields, commission agent.—*Anthony Robson*, Monkwearmouth-shore, clerk to the parish church.—*G. Burns*, Coxhoe, timber merchant.—*Jane Jones*, Gateshead, assistant to a bonnet dealer.—*James Wilson*, jun., South Stockton, Yorkshire, clothier.—*Edw. Greenwell*, Bishopwearmouth, butcher.—*R. Bruce*, South Shields, sail maker.—*Robert Graham*, Durham, cartwright.—*Thomas Lawson*, Framwellgate, publican.—*John Wood*, East Rainton, butcher.—*Wm. Sewell*, Durham, cabinet maker.—*John Dobbing*, Bishopwearmouth, out of business.—*John W. Hogg*, South Shields, carrier.—*Thomas Hutchinson*, Hartlepool, attorney-at-law.—*Wm. Naggs*, Long Newton, labourer.—*Saml. Harrison*, Newcastle-upon-Tyne, out of business.—*Michael Greig*, Bishopwearmouth, labourer.—*Robt. Fleming*, Monkwearmouth, fruiterer.—*John Walker*, Barnard Castle, nail manufacturer.—*John Grimshaw*, Bishopwearmouth, grocer.—*Hannah Anderson*, widow, South Shields, out of business.—*Jas. Watson*, Tile-sheds, near New-bottle, joiner.—*John Allopp*, Bishopwearmouth, master mariner.—*Wm. Wilson*, Cockerton, near Darlington, grocer.—*Charlton Ward*, Durham, shoemaker.—*John Moore*, Sunderland juxta Mare, grocer.—*Thos. Batey*, Ribblesworth, Durham, pitman.

### INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Stevens*, Penzance, Cornwall, sub-lieutenant in the

*Royal Sappers and Miners: 5s. 6d. in the pound.—James Chandler*, Leigh-st., Holborn, jeweller: 7d. in the pound.—*Elizabeth Ortelii*, Cross-st., Hatton-garden, widow: 20s. in the pound.—*John Evans*, Long-lane, West Smithfield, woollen draper: 1s. 8d. in the pound.—*Thomas Collins*, Soham, Cambridgeshire, watch maker: 3s. 4d. in the pound.—*Thos. Ingram*, jun., Blackburn, Lancashire, cabinet maker: 5 1/2d. in the pound.—*Joseph Bargh*, Newark-upon-Trent, Nottinghamshire, boot maker: 2s. 2d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

*Thomas Robson*, Durham, innkeeper, Thompson's, Durham: 1s. 4d. in the pound.—*Anne Mary Hill*, Chaddesley, Worcesterhire, farmer, Corles's, Worcester: 2s. 1 1/2d. in the pound.—*Henry Jones*, landing waiter in the Customs, Addy's, Shepherdess-walk, City-road: 4s. 4d. in the pound.

### MEETINGS.

*Benj. N. Price*, Ross, Herefordshire, gentleman, Feb. 18 at 12, Fountain Inn, Gloucester, sp. affairs.—*Wm. Hooper*, Hersham, Surrey, builder, Feb. 20 at 12, Bell's, Craven-st., Strand, sp. affairs.—*John Pugh*, Penaron, Kerry, Montgomerieshire, farmer, Feb. 23 at 11, Evans's, Newtown, sp. affairs.

### LAW BOOKS.

Mr. HODGSON will SELL by AUCTION, at his Great Room, 192, Fleet-street, (Corner of Chancery-lane), on WEDNESDAY next, Feb. 8, at half-past 12 o'clock, A COLLECTION of LAW BOOKS.—The Library of a Country Solicitor; including a complete set of the Law Journal, Series of the Modern and Old Reports, Treatises and Books of Practice.

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# The Jurist

No. 318.

FEB. 11, 1843.

With Supplement, 2s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	E. KEMPSON, Esq. of the Middle Temple; and G. J. P. SMITH, Esq. of the Inner Temple, Barristers at Law.
Privy Council .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
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Vice-Chancellor Knight Bruce's Court .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.		
Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, FEBRUARY 11, 1843.

THERE seems some ground for doubting whether the 9th and 10th sections of the 1 & 2 Vict. c. 110, apply to warrants of attorney and cognovits given in the Superior Courts only, or whether they apply also to those given in Inferior Courts not of record. We will therefore endeavour to shew what is the effect of the Statute on this point.

The principal object of the 1 & 2 Vict. c. 110, so far as it affects judgments, is, firstly, to give to judgment-creditors power to take in execution, not as before the Statute, half only of the lands of the debtor, but the entirety of such lands; and, secondly, to constitute the judgment a charge upon the land.

It confines however the new operation which it gives to judgments, as against lands, to such as have been obtained in any action in the Superior Courts of Westminster, (sect. 11), or in the Court of Common Pleas of the county palatine of Lancaster, or the Court of Pleas of the county palatine of Durham, (sect. 21), and to decrees and orders in equity, in lunacy, and in bankruptcy, whereby any sum of money or any costs &c. shall be payable to any person. (Sect. 18). There is nothing in the Act which appears intended to give to judgments generally, a different quality from that which they had before the Act, that is, it does not give to a judgment, which before the Act would not have attached upon land, the quality of attaching upon the lands of the debtor. All that it does, is to extend the operation upon the lands of the debtor of that class of judgments, which, before the Act, affected them in an inferior degree; and with the exception of the 12th clause, which gives to the sheriff the power to take money, notes, bills, &c., and other paper securities of the debtor in execution under a fieri facias, sued out of "any Superior or Inferior Court," there is not once in any of the clauses of the Act referring to the subject

of judgments, mention of the judgments of Inferior Courts not of record.

The 9th and 10th sections are those which have given rise to the doubt to which we have alluded; and as they are short, we will cite them verbatim. The 9th, reciting that "it is expedient that provision should be made for giving every person executing a warrant of attorney to confess judgment or cognovit actionem, due information of the nature and effect thereof," enacts, "that, from and after the time appointed for the commencement of the Act, no warrant of attorney to confess judgment in any personal action, or cognovit actionem given by any person, shall be of any force, unless there shall be present some attorney of one of the Superior Courts on behalf of such person, expressly named by him, and attending at his request, to inform him of the nature and effect of such warrant or cognovit before the same is executed; which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney." The 10th section enacts, "that a warrant of attorney to confess judgment or cognovit actionem, not executed in manner aforesaid, shall not be rendered valid by proving that the person creating the same did in fact understand the nature and effect thereof, or was fully informed of the same."

Now, the wording of these clauses is undoubtedly very general; and, taken by themselves, they certainly would import that any warrant of attorney or cognovit given by any person in any Court, would fall within their meaning. But, placed as they are in immediate connexion with the 11th and 13th clauses, on which the increased effect of judgments of the Superior Courts is founded, and having regard to the circumstance that the great aim of this portion of the Act appears to be to render the remedies of judgment-creditors more stringent and powerful, the fair inference seems, that

it is in reference only to such judgments that the Legislature intended to guard debtors against being surprised into warrants of attorney; and that the 9th and 10th sections have reference only to such warrants of attorney and cognovits as are the foundation of judgments within the Act, viz. to warrants of attorney and cognovits given in actions in the Superior Courts, or in those Inferior Courts, being Courts of record, which are specified in the 22nd section\*. This inference, founded on a general view of the object of the Statute, is strengthened by the circumstance of detail, that the protection provided for the debtor by the 9th section is that of the presence and attestation &c., of an attorney of one of the Superior Courts, to inform the party of the nature and effect of the warrant or cognovit. If the clause had been intended to apply generally to warrants and cognovits given in any Court, and incapable of being the foundation of judgments having the effect of judgments of a Superior Court, there could be no particular reason for making the presence of an attorney of one of the Superior Courts requisite, as the presence of such a person would not necessarily afford any protection in reference to the effect of a warrant of attorney to confess judgment in an Inferior Court, with the practice of which the attorney of the Superior Court could not be presumed to be particularly acquainted.

That the Courts of Law are not disposed to give to the 9th and 10th sections of the 1 & 2 Vict. c. 110, any more extended operation than is absolutely requisite from their language, appears by two recent cases, (*Bray v. Manson*, 8 Mee. & W. 668; and *Baker v. Flower*, Id. 670), which we may here mention as shewing the leaning of the Courts, although the points decided in them have not a very direct bearing on the question under consideration. In the former of those cases, the defendant had given a consent to a Judge's order for staying proceedings on payment of the debt and costs by a certain day, or judgment. No attorney was present for the defendant at the signing of the consent; but, at the making of the order by the Judge founded on such consent, both parties appeared by their attorneys: the Court, relying on the presence of the attorney at the making of the order, held, that the case did not fall within the statute 1 & 2 Vict. c. 110. In the second case, which occurred on the same day as *Bray v. Manson*, no attorney was present on behalf of the defendant either at the giving of the consent or upon the judge's order. But the Court still held that the consent was not a cognovit, although in the nature of a cognovit, as it had of itself no force; but was only a consent to an order if the Judge thought proper to make it, and not within the act. And Parke, B., said, "It certainly would be much for the benefit of defendants if cases like the present did not come within the 9th section of the statute, for it must be very beneficial for

them to be allowed to settle actions without the expense of employing an attorney or going before a Judge." Now, if the Courts have refused to treat, as within the 9th section, an instrument which, although not actually a cognovit, might have the effect of one, and be the foundation of a judgment within the act, it seems improbable that they would hold an instrument, which can under no circumstances afford a foundation for a judgment within the act, as falling under the 9th section. It may be observed, further, that a construction of this section, which should treat it as applying to warrants of attorney to confess judgment, or cognovits, given in any Court, whose judgments would not have the enlarged effect given by the statute to the judgments of the Superior Courts, would fall within the scope of the observations of the learned Baron in *Baker v. Flower*, making the statute in that particular, an instrument rather of oppression than of protection.

On the whole, though the general language of the sections in question renders the point somewhat doubtful, we incline to think, that if it should ever call for decision, the Courts will hold that the Act applies, under the 9th and 10th sections, only to warrants of attorney and cognovits given in reference to proceedings in those Courts to the judgments of which the Act gives increased force.

#### POINTS ON THE LAW AS TO PROTECTORS OF SETTLEMENTS.

(Continued from p. 19).

2. We may next consider a case which has not hitherto been noticed, and which leads to a singular and probably unanticipated result. It is enacted by the 27th section, "that no woman in respect of her dower, and (except in the case hereinafter provided for of a bare trustee under a settlement made on or before the 31st of December, 1833) no bare trustee, heir, executor, administrator, or assign, in respect of any estate taken by him as such bare trustee, heir, executor, administrator, or assign, shall be the protector of a settlement." It is not very easy to see what case was intended to be provided against by the exclusion in this clause of heirs from the protectorship. Probably the framer of the act had the case of a special occupant of an estate *pour autre vie* in his mind; but whatever the object, as there is nothing in the act to point it out, and nothing in the context to qualify the word, we do not see how the word "heir" can be taken in any other than its ordinary and most extensive sense; so that it must mean any person taking an estate by descent or quasi descent, whether he takes a merely legal, or a beneficial estate or interest. In the case, therefore, of a settlement to A. in tail, with remainder to B. in tail, if A. die leaving a son, issue in tail, such son is excluded from the protectorship by the clause under consideration, although an estate sufficient to qualify the owner thereof to be protector still subsists. There being no intermediate estate to bring the case within the 28th section, what becomes of the office? The 33rd section gives an answer to this question. After providing, in the words already cited, for the case of a lunatic protector, it proceeds—"Or if any person, protector of a settlement, shall be convicted of treason or felony, or if any person not being the owner of a prior estate under a settlement, shall be protector of such settlement, and shall be an infant, or if it shall be uncertain whether such last-mentioned person be living or dead, then his Majesty's High Court

\* By that section, any judgment in any Inferior Court of Record in which a barrister of seven years' standing shall act as judge, assessor, or assistant, may be removed into one of the Superior Courts, and shall then have the force and effect of a judgment of such Superior Court. It seems clear, therefore, that a warrant of attorney to confess judgment in any such Inferior Court, as it may be the foundation of a judgment falling within the Act, will fall within the 9th and 10th sections, and must be given in the presence of an attorney of one of the Superior Courts acting on behalf of the defendant.

of Chancery shall be the protector of such settlement in lieu of the person who shall be an infant, or whose existence cannot be ascertained as aforesaid; or if any settlor entailing lands shall, in the settlement by which the lands shall be entailed, declare that the person who, as owner of a prior estate under such settlement, would be entitled to be protector of the settlement, shall not be such protector, and shall not appoint any person to be protector in his stead, then the said Court of Chancery shall, as to the lands in which such prior estate shall be subsisting, be the protector of the settlement during the continuance of such estate; or if in any other case where there shall be subsisting under a settlement an estate prior to an estate tail under the same settlement, and such prior estate shall be sufficient to qualify the owner thereof to be protector of the settlement, and there shall happen at any time to be no protector of the settlement as to the lands in which the prior estate shall be subsisting, the said Court of Chancery shall, while there shall be no such protector, and the prior estate shall be subsisting, be the protector of the settlement as to such lands." In the case supposed, a prior estate sufficient to qualify the owner thereof is subsisting, and there is no protector; consequently, the protectorship vests in the Court of Chancery, and will continue in the Court during the continuance of the prior estate tail. Practically, this is of little consequence, inasmuch as the owner of the prior estate tail has it in his power to bar his own estate tail, and the protected estate, as well as all other remainders, without the concurrence of any other person. But in a case put by Sir E. Sugden, (2 Vend. & P. 295), of a limitation to A. and his heirs for the life of B., remainder to C. in tail, if A. die living B., his heir will not be protector; but as the estate still subsists, the Court of Chancery will, as we submit, be the protector. Sir E. Sugden says, that, in such a case, C. would be unfettered by any protector, and Mr. Hayes is of the same opinion, (1 Introd. Conv. 173), but the effect of the 33rd section does not appear to have occurred to these learned writers.

3. After excluding bare trustees, heirs, &c. from the partnership, the act proceeds (sect. 28) to enact, that, "when under any settlement there shall be more than one estate prior to an estate tail, and the person who shall be the owner within the meaning of this act of any such prior estate, in respect of which, but for the two last preceding clauses, he would have been protector of the settlement, shall by virtue of such clauses, or either of them, be excluded from being the protector, then and in such case the person (if any) who, if such estate did not exist, would be the protector of the settlement, shall be such protector." Now, suppose a limitation to A. and his heirs during the life of B., in trust for B., remainder to C. in tail; here there is an equitable ownership in B., and a legal estate in A.; and by the clause of interpretation, we find that the word *estate* in the act, means an estate in equity as well as at law, and also, "any interest, charge, lien, or incumbrance upon or affecting lands." Now, as A.'s legal estate cannot be the same with B.'s equitable estate, it is plain that there are "more than one estate" prior to the estate tail. The first estate, in point of limitation, is the legal estate, so that the case intended to be provided for has arisen. But on whom does the act confer the office of protector? On the person who, if such prior estate did not exist, would be the protector. It is not easy to say that the equitable owner would have had any estate if the legal estate had not been created, although it is true, that, as the settlement stands, if the legal estate were to cease to exist (which could only happen by a breach of trust) B. would still have an equitable estate, which would qualify him. (*Mansell v. Mansell*, 2 P. W. 181). If the equitable owner were held not to be the protector, it is plain that there would be no protector, (unless the Court of Chancery could come

in under the 33rd section); and, therefore, as the case falls within the class described in the clause under consideration, and in one event at least would come literally within the remedy which it provides, it is probable, that, by a liberal construction, the courts would hold that the clause operated in every event. This construction would be aided by the 22nd clause, which expressly declares that an estate "by way of resulting use or trust," shall be sufficient to confer the office of protector. Sir Edward Sugden and Mr. Hayes both incline to favour the conclusion here drawn. (2 V. & P. 295; 1 Hayes' Conv. 174).

4. In framing the act care was taken to interfere as little as possible with the rights of persons who had the power to concur, or to refuse to concur, in the barring of entails; and by sect. 29 it was enacted "that where already, or on or before the 31st day of December, 1833, an estate under a settlement shall have been disposed of either absolutely or otherwise, and either for valuable consideration or not, the person who in respect of such estate would, if this act had not been passed, have been the proper person to have made the tenant to the writ of entry, or other writ for suffering a common recovery of the lands entailed by such settlement, shall, during the continuance of the estate which conferred the right to make the tenant to such writ of entry, or other writ, be the protector of such settlement." The case arose of a conveyance in 1817, by A., tenant in tail to B. during A.'s life, upon certain trusts, and the question whether B. was or was not protector was discussed before the Court of Exchequer, but not decided. The opinion of the court however seemed to be against B.'s claim to the office; and three learned counsel (including two of the Real Property Commissioners) gave opinions the same way. Mr. Preston and another gentleman thought that B. was protector. (See 1 Hayes' Conv. 177, n.). This is evidently the right conclusion. The case comes within both the letter and the spirit of the clause, which was intended to preserve existing rights as they stood before the act, and under the old law B. would have been the proper person to make the tenant to the writ of entry. A partial disposition by a tenant in tail is evidently "a disposition either absolutely or otherwise of an estate under a settlement;" and the concluding words of the clause, which we have printed in italics, evidently point at any disposition conferring the right to make the tenant to the præcipe.

5. The 31st section provides, "That, where, under any settlement of lands made before the passing of this act, the person who, if this act had not been passed, would have been the proper person to make the tenant to the writ of entry or other writ for suffering a common recovery of such lands, for the purpose of barring any estate tail or other estate under such settlement, shall be a bare trustee, such trustee shall, during the continuance of the estate conferring on him the right to make the tenant to such writ of entry or other writ, be the protector of such settlement." The act passed on the 28th August, 1833, but this clause is referred to in a preceding clause, (sect. 27), as providing for the case of a bare trustee under a settlement made on or before the 31st December, 1833). The date expressed in the enactment itself will probably be followed. Sir E. Sugden suggests that the reference in the former section would enlarge the operation of the 31st section. A more difficult question is, whether, if the trustee has disposed of his estate, he continues to be protector. The clause applies only to the case of a person who would have been the proper person to make the tenant to the writ of entry, being a bare trustee under the settlement, and it enacts that such trustee shall be the protector. Now, if the trustee appointed in the settlement convey his estate to a new trustee duly appointed under a power in the settlement, such new trustee will be a trustee within the words of the clause. But if the



alienee is not duly appointed a trustee, the old trustee is not discharged of his trust; but then he would no longer be the proper person to make the tenant to the præcipe, and therefore cannot be the protector. On the other hand, although the alienee was not so appointed as to discharge the old trustee, yet he is by his acceptance of the trusts bound by them, and is a trustee under the settlement; and also is the person to make the tenant. It seems clear, therefore, that he is the protector. See also ss. 27, 29. Sir Edward Sugden, however, states without any hesitation, that a trustee under the clause would continue to be protector after he had conveyed away his legal estate. Mr. Hayes is of a different opinion. (1 *Introd. Conv.* p. 180). A difficulty has been needlessly raised upon the wording of this clause, by which it is confined to the case of a trust estate created under the *same* settlement which created the estate tail; (2 *Sugd. Vend.* 299; 1 *Hayes*, 181); but this restriction was evidently proper, because every other case of a trustee prior to the 31st December, 1833, comes under the general provision of the 29th section.

6. In the last edition of the *Treatise on Vendors and Purchasers*, Sir Edward Sugden has laid it down as unquestionable, that only adults and persons in esse can be appointed protectors irrespective of estate. (Vol. 2, p. 285). To prove that an infant may be appointed protector, we need only refer to the clause (sect. 32) authorizing the appointment, which contains no restriction as to age, but merely requires that the persons appointed be in esse at the time of the appointment, and to the clause immediately following, which expressly declares that the Court of Chancery shall be protector in lieu of any infant protector, whose office shall not exist in respect of some estate.

### Rebibo.

*Practical Rules for determining Parties to Actions, digested and arranged, with Cases.* By HERBERT BROOM, of the Inner Temple, Esq., Barrister at Law.

[*Mazwell & Son*, 1843.]

None, we think, of our readers need to be reminded of the importance of that part of the law which relates to the parties to actions. In legal proceedings, one of the first points to be decided is, who is to be made plaintiff and who defendant; and the consequences of a mistake in this respect are, in many cases, so fatal, that it behoves not merely the barrister and special pleader, but every attorney also, to make himself thoroughly acquainted with the rules that have been laid down upon this subject. The first part of Mr. Chitty's valuable work on Pleading is devoted to it; and it has been the practice to recommend that part of his book especially to the diligent and careful perusal of students. Since, however, the publication of the last edition of Mr. Chitty's work, many important decisions have been pronounced by the courts bearing upon the subject; and a book in which they are collected and arranged would, if it had no other merit, on that account alone recommend itself to the profession. The author of the present treatise has adopted a similar arrangement to Mr. Chitty, to whom he acknowledges himself indebted for it. Dividing his work into four parts—plaintiffs in actions *ex contractu*, and defendants in such actions—plaintiffs in actions *ex delicto*, and defendants in such actions; he has, under these heads, considered what are the rights or liabilities to sue or be sued in the cases of landlord and tenant, principal and agent, master and servant, partners, corporations and companies, husband and wife, infant, alien, and civil death, bankruptcy and insolvency, and executors and administrators. Of the manner in which

this is done our readers may judge from the following extract:

"We shall next consider in what cases the assignee of a chose in action (not being a specialty) may sue thereon in his own name; for, although the assignment of a chose in action on a contract is a sufficient consideration for a promise, yet the assignor must in general sue in respect thereof.

"However, the assignment of a debt is in certain cases valid, so as to give to the assignee a right of action in his own name for its recovery. If A. owes B. 100*l.*, and B. owes C. 100*l.*, and the three meet, and it is agreed between them that A. shall pay C. the 100*l.*, B.'s debt is extinguished, and C. may recover that sum against A.; for the discharge and extinguishment of B.'s debt is a good consideration for A.'s promise to C.; and as to the amount of the debt assigned, all that is necessary is, that it be not larger than the sum due to the party assigning. It is not however requisite, in order to constitute a good equitable assignment, that such amount be specifically ascertained; and for that purpose, a promise to pay the same when ascertained, or, if specified, out of a fund of uncertain amount, is sufficient. In the example given above, the parties interested are supposed to agree expressly to the proposed arrangement, and it seems clear, that, in order to give an action at law, the debtor must consent to the agreed transfer of the debt; but this is otherwise in equity, for there it is sufficient if there be an engagement by the debtor that a particular fund shall be charged with or appropriated to the payment of the debt. Where A., being indebted to B. and C., authorized B. to repay himself out of the net proceeds of certain shipments on his (A.'s) account, and after so doing, to pay a moiety of the residue (if not exceeding a specified amount) to C., who agreed to guarantee B. against claims by any other parties; it was held, that such a transaction was either a valid appropriation or equitable assignment of funds to the specified amount in favour of C., and was not subsequently revoked by A.'s bankruptcy.

"Lastly, certain choses in action are assignable by mercantile custom recognised by the common law; others again are rendered so by statute. In the former class are included bills of exchange, and bills of lading; in the latter, promissory notes, which, like bills of exchange, are payable to a particular individual or his order, or generally, to bearer. Where, however, a bill of exchange or note is negotiable, the custom of merchants requires, for the security of the party liable on such instrument, that it be delivered up on payment, and therefore, if lost, an action thereon is not maintainable by the indorsee. But the maker of a note, not negotiable, cannot refuse to pay the amount at maturity, on the ground that the payer has not got it in his possession or power; nor is it any defence to an action for goods sold, that the defendant had accepted a bill for their value, if it be shewn that such bill was lost before it had been indorsed by the drawer, and had not been heard of for more than a year previous to the commencement of the action. It should be observed, also, that an indorsement in blank, conveys a joint right of action to as many as agree in suing on the bill without proving a partnership between them; but, if a bill be indorsed specially to a firm, evidence must be given that the firm consists of the persons who sue as plaintiffs."

Some passages, however, there are in this treatise, which call for an observation from us. Where the law is stated with respect to suing a carrier for the loss of goods, the recent case of *Coates v. Chapin*, (11 *Law Journ.*, N. S., Q. B., 215), which, as we remarked in a late number, has an important bearing upon this

subject, is not noticed; and the author lays down the law according to the previous decisions. It does not, he says, make any difference if the carrier be not expressly named by the consignee; but Lord Denman, in his judgment in that case, relies on the fact that the order was in general terms, and not to send by a particular carrier. Perhaps, however, as this case was so recently decided, the author is not to blame for its omission; and we have mentioned it rather for the purpose of pointing it out to such of our readers as may peruse the work. In a note at page 81, where the case of *Nurse v. Wills* (4 B. & Adol. 739) is stated, it is said, that, "in that case, the forbearance was past, and therefore a good consideration; but quære, whether it would have been so if executory:" and *Hopkins v. Logan* (5 Mee. & W. 246) is cited. If by this is meant, that the forbearance which was past would be a good consideration for a promise, other than would be implied by law, *Hopkins v. Logan* will be found to decide the contrary. From that case indeed, and more clearly from the recent case of *Roscorla v. Thomas*, (11 Law Journ. N.S., Q. B., 214), it appears that, subject to certain exceptions, a past consideration will not support any other promise than such as would be implied by law, in which sense our author does not seem to use the term "good consideration."

It may be useful to some of our readers to learn what liabilities they incur as members of a club. "Whether the members of a club or benefit society are personally liable for goods ordered, or contracts entered into by their committee, depends on the general law of principal and agent; this question will, in some cases, be determined by the rules of the club, from which the committee may derive the right of pledging the individual credit of the members; in others, by proof of the defendants having individually authorized the contract through the agency of the committee, or of some particular officer of the club, as by having attended and voted on the committee, in which case it seems that members of the committee so voting would alone be liable." In addition to what the author says on the subject of an agent making himself personally responsible, we may remind our readers, that, since his work was printed, the case of *Smout v. Ilbery* (10 Mee. & W. 1) has been published. In that case it was laid down, "That there must be some wrong or omission of right on the part of the agent, in order to make him personally liable on a contract made in the name of his principal." Our limits will not allow of further remarks in praise of the work, and we will only say in conclusion, that it will not only be found valuable for the purposes of reference, but the student especially will find himself amply repaid by its perusal.

## Imperial Parliament.

### HOUSE OF LORDS.

Monday, Feb. 6.

Lord Cottenham laid on the table a Bill relating to the Arrest of Debtors taken in Execution, and for altering the Law of Debtor and Creditor.

The Lord Chancellor, in answer to a question from Lord Cottenham, said, that the attention of Government had been occupied by several measures for the improvement of the Law; an important Bill had been prepared for the improvement of the Ecclesiastical Courts, and was now complete, and would shortly be laid before their Lordships. Another Bill, which it was in contemplation to introduce, corresponded with that which was before their Lordships in the course of last session relating to the establishment of Local Courts. A third related to improvements in the Law of Insolvency.

Lord Denman laid on the table a Bill to effect an alteration in the Law of Evidence, by removing certain disabilities affecting witnesses.

The Bill was, on the motion of the Lord Chancellor, read a first time.

Tuesday, Feb. 7.

Lord Denman moved the second reading of the Law of Evidence Bill, and it was read a second time.

### HOUSE OF COMMONS.

Thursday, Feb. 9.

Dr. Nicholl rose to move for leave to bring in a Bill for carrying into effect certain recommendations of the Ecclesiastical Commissioners, relating to the Administration of Justice in the Ecclesiastical Courts of England and Wales. The learned member observed that the jurisdiction in those Courts was of a mixed character, temporal and spiritual. The temporal related chiefly to causes matrimonial and testamentary; the jurisdiction in the former appeared founded on the circumstance, that in early periods the contract of marriage was considered as a sacrament, and the law relating to it founded on the canon law. But now that the contract of marriage rested on the statute law, the Ecclesiastical Courts had no jurisdiction to release parties a vinculo matrimonii, but only to inquire whether the marriage had been entered into according to the forms prescribed by the law of the land. The next class of cases was the testamentary. The learned member here entered into a statement of the manner in which this jurisdiction had originally fallen upon the Ecclesiastical Courts, and proceeded to say, that none of the reasons which originally existed for that jurisdiction were now in existence. The immense quantity of property too, involved in such cases, required that the Courts should be presided over by able judges, assisted by able counsel. Now the country abounded with courts having ecclesiastical jurisdiction to some extent; there were at least 400 of them in England and Wales. They consisted of Consistorial Courts, Bishops' Courts, Diocesan Courts, Archidiaconal Courts, Subdiaconal Courts, County Courts, Manorial and other Courts, and from the dissatisfaction which prevailed as to the administration of these courts, there were appeals innumerable; sometimes as many as three successive appeals, not merely on final sentence, but on every intermediate judicial act. The learned member then pointed out the variety of points which, as incidentally to be decided in these Courts, involved the decision by them on the title to the administration of large property; as in the case of the due appointment of an executor; the title to administration; the questions on the execution of wills under the late act—questions of extreme difficulty, and which were constantly arising in great numbers. In the Prerogative Court, these questions, if doubtful, were brought before the Court, and there carefully and duly determined; but if they arose in the country, they were decided by Registrars in their chambers without any assistance. Great difficulties occurred also from the multiplicity of these courts, in the searches for wills; the custody also of these documents was most insecure; and the practice being, to exhibit to parties requiring search, originals instead of copies, there was no protection against interpolation or injury. Again, many difficulties arose from probates being improperly granted, and they were frequently in consequence void ab initio, and, consequently, all transactions taking place under them were void. After pointing out many other mischiefs arising from the present state of the ecclesiastical jurisdiction, the learned member proceeded to unfold his plan of improvement. The proposal was to divide the ecclesiastical jurisdiction into that which was mixed or temporal, and that which was purely spiritual, transferring the former to a Court sitting in London under a Judge to be appointed by the Crown, and with an appeal to the Queen in Council; and leaving the purely spiritual jurisdiction (such as the correction of clerks and matters of church discipline) to the Bishops in their Diocesan Courts, with appeals to the Archbishop, and from him to the Queen in Council. All peculiars were to be abolished, and subject to the ordinary jurisdiction within which they were situated. The Bishop's Court was to have jurisdiction throughout the whole of his diocese. The only courts retained would be those of the Faculties; the Vicar-General for each province; and the Diocesan Courts: the whole number would be under thirty. All officers to be paid by fixed salaries; and all fees carried to a fee-fund, by which a great saving would, as he believed, be effected. With a few exceptions, all offences of a mixed or temporal character would be transferred to the London Court, from which all probates of wills and administrations



were to issue, and whose authority was to extend through England and Wales. But as, in cases of small amount, parties might deem it desirable to resort to local courts, it was proposed that, in cases under the value of 300*l.*, the Diocesan Courts might act as branch registries under branch seals of the London Court, and in her Majesty's name; while, as to all grants previous to a certain day, (unless in actual litigation or abandoned by the parties), they were to be established as valid, so far as validity depended on questions of jurisdiction; and with a view to uniformity of practice and central control, proctors in the country were, on certain conditions, to be admissible to practise in the London courts; and as to cases under the value of 300*l.*, proctors in the country not admissible to practise in the London courts were to have exclusive jurisdiction. Further, it was proposed that copies of all wills proved in the metropolis under 300*l.* should be sent to the country, and vice versa, the originals being retained at the respective registries, provision being moreover made to secure careful and secure custody under the superintendence of Government for all wills under 300*l.*, and abstracts would be sent to branch registries. Now, as to the process of the London Court, instead of the former writs, the same power would be given to the process of the court as in the Court of Admiralty; only, as that court had the power of proceeding in rem, i. e. by directing the sale of the ship when it was under litigation, the London Court was to have the power of issuing a certificate to the Court of Chancery, on which (as in certain cases already was provided) the *levari facias* might issue, and extend to persons having privilege of Parliament. The court was also to have the power of granting commissions, of examining also witnesses *viva voce*, and of discharging prisoners (as in Chancery) from contempt. No surrogate should have the power of giving definitive decisions on controverted questions; but to provide for occasional inconvenience, under circumstances of temporary inability on the part of the judge, the course would be similar in this respect to that adopted in the case of the Court of Admiralty,—that of enabling the judge of the Arches to officiate.

These were the general outlines of the measure. The learned member then went on to shew on what data this measure had been framed, and entered into the history of the parliamentary attempts to introduce improvements in the Ecclesiastical Jurisdiction, and concluded an able development of the whole subject, by moving for leave to bring in a bill.

After a debate in which Mr. *Jervis*, Lord *J. Russell*, and Mr. *Hume* took part, leave was given to bring in the Bill; and at a subsequent period the Bill was brought in and read a first time.

## COURT OF EXCHEQUER.

6 VICTORIA.—February 10, 1843.

This Court will, on Saturday, the 26th instant, hold a Sitting, to give judgment in such cases as stand over for the judgment of the Court, in the New Trial and Special Papers.

By the Court.

Read in open Court, Feb. 10, 1843.

STEPHEN RICHARDS, *Master*.

## London Gazette.

TUESDAY, FEBRUARY 7.

### BANKRUPTS.

JOHN OVERINGTON, Arundel, Sussex, plumber and glazier, Feb. 14 at 3, and March 17 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Braithwaite, 15, Serjeants'-inn, Fleet-st.—Fiat dated Feb. 1.

JOSEPH RANDS, Southampton, boot and shoe dealer, Feb. 15 at 11, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Wilson, Aldermanbury.—Fiat dated Jan. 31.

THOMAS BERRY, Lewes, Sussex, brewer, wine and spirit merchant, and coal merchant, Feb. 14 at 2, and March 17 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Dimmock & Burdely, 12, Sise-lane.—Fiat dated Dec. 21.

JOHN VAN, Milton next Gravesend, Kent, gold-lace manufacturer, Feb. 23 at half-past 12, and March 21 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Brown & Co., Mincing-lane.—Fiat dated Feb. 3.

THOMAS REYNOLDS, jun., Great St. Helena, Bishopsgate-st., merchant, Feb. 23 and March 21 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Barker & Rose, 50, Mark-lane, Fenchurch-st.—Fiat dated Jan. 31.

JOHN WALKER, Hayfield, Derbyshire, grocer and linen draper, Feb. 21 and March 17 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sol. Turner, Stockport; Pocock & Wilkin, 50, Bartholomew-close.—Fiat dated Feb. 2.

JAMES GORDON, Liverpool, merchant, Feb. 15 at 12, and March 17 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool; Sharpe & Co., Bedford-row.—Fiat dated Feb. 2.

WILLIAM DENVER and WILLIAM NIXEY, Liverpool, woollen drapers, Feb. 17 and March 17 at 1, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Morecroft & Son, Liverpool; Chester & Toulmin, 11, Staple-inn.—Fiat dated Jan. 31.

JOHN WOOD, Beau Vale, Greasley, Nottinghamshire, miller and corn factor, Feb. 21 at 12, and March 16 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bowley, Nottingham; Johnson & Co., Temple.—Fiat dated Feb. 2.

ROBERT ELLIOT, Sheffield, Yorkshire, merchant and manufacturer, Feb. 24 and March 22 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Branson, Sheffield; Fiddey, Temple.—Fiat dated Jan. 31.

JOHN ELLIOT, Sheffield, Yorkshire, merchant, Feb. 24 and March 22 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Branson, Sheffield; Fiddey, Temple.—Fiat dated Jan. 31.

THOMAS WALKER, Kirkstall, Leeds, brewer and maltster, Feb. 24 and March 17 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Sagar, Kirkstall, Leeds.—Fiat dated Feb. 2.

WILLIAM JONES, Park, near Cardiff, and Merthyr Tydvil, Glamorganshire, ship builder and timber merchant, Feb. 28 at 12, and March 21 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Savery & Co., Bristol; Clarke & Co., Lincoln's-inn-fields.—Fiat dated Jan. 30.

### MEETINGS.

J. F. Burgon, Bucklebury, wholesale hardwareman, Feb. 10 at half-past 1, Court of Bankruptcy, London, last ex.—G. P. Lethbridge, Portsea, Hampshire, linen draper, Feb. 17 at 2, Court of Bankruptcy, London, last ex.—David Thomas, Manchester, merchant, March 10 at 11, District Court of Bankruptcy, Manchester, last ex.—Samuel Appleyard, Manchester, stuff merchant, Feb. 28 at 11, District Court of Bankruptcy, Manchester, last ex.—Jos. Banks and Jos. Burgess, Manchester, drapers, Feb. 24 at 11, District Court of Bankruptcy, Manchester, last ex.—Nath. Walsh, Over Darwen, Lancashire, paper maker, March 10 at 11, District Court of Bankruptcy, Manchester, last ex.—Mary Manwaring, Gornal, Sedgley, Staffordshire, grocer, March 2 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—H. Merri-dew, Coventry, ribbon manufacturer, Feb. 22 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—Jas. C. Mumford, Jubilee-place, Mile-end-road, and Grosvenor-row, Pimlico, and Globe-road, Mile-end-road, grocer, March 2 at 12, Court of Bankruptcy, London, and ac.—William Street, Rickinghall Superior, Suffolk, grocer, Feb. 28 at 12, Court of Bankruptcy, London, and ac.—E. Oakley and John Wise, Poole, corn dealers, March 2 at half-past 11, Court of Bankruptcy, London, and ac.—James Heap, Burnley, Lancashire, publican, March 14 at 18, District Court of Bankruptcy, Manchester, and ac.—John Rowley, sen., Willenhall, Wolverhampton, Staffordshire, curry-comb maker, March 4 at 11, District Court of Bankruptcy, Birmingham, pr. d.—J. Swallow, sen., J. Swallow, jun., and Geo. Swallow, Brow and Sterne Mills, Skircoat, Halifax, Yorkshire, corn millers, March 3 at 12, District Court of Bankruptcy, Leeds, and ac.—John Hayward, Milverton, Warwickshire, miller, March 8 at half-past 1, District Court of Bankruptcy, Birmingham, and ac.—H. T. Elliston, Leamington-priors, Warwickshire, music and musical instrument seller, March 3 at 12, District Court of Bankruptcy, Birmingham, and ac.—Edward Smith, Bishopwearmouth, Durham, merchant, March 1 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; March 2 at 1, div.—D. Buglass, Sunderland, victualler, March 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; March 2 at 11, div.—H. Rogers, Dartmouth, wine merchant,

March 1 at 11, Court of Bankruptcy, Exeter District, and. ac.; March 2 at 11, div.—*Joseph Lindon*, Plymouth, Devonshire, merchant, March 1 at 12, Court of Bankruptcy, Exeter District, and. ac.; March 2 at 12, div.—*Wm. Thorpe*, Thorne, Yorkshire, scrivener, March 2 at 12, District Court of Bankruptcy, Leeds, and. ac.—*John Brooks*, Liverpool, hotel keeper, March 1 at 1, Liverpool District Court of Bankruptcy, and. ac.—*Jas. Archer*, Liverpool, bill broker, March 7 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Henry Ford*, Aylesbury, Buckinghamshire, grocer, March 2 at 12, Court of Bankruptcy, London, div.—*Wm. Blain*, St. Andrew's-road, Southwark, Surrey, draper, March 3 at 11, Court of Bankruptcy, London, fin. div.—*John Dickins*, Northampton, upholsterer, March 3 at 1, Court of Bankruptcy, London, fin. div.—*Wm. Street*, Ricklinghall Superior, Suffolk, grocer, Feb. 28 at 12, Court of Bankruptcy, London, div.—*John Ball Boucher*, Birmingham, shawl dealer, March 2 at 12, Court of Bankruptcy, London, div.—*Wm. H. King*, Hen. King, and Dav. King, Old-street-road, and Horn's-row, St. Leonard, Shoreditch, coach builders, March 1 at 2, Court of Bankruptcy, London, div.—*Geo. Snelling*, jun., Worthing, Sussex, grocer, March 1 at 1, Court of Bankruptcy, London, fin. div.—*Thos. Millington*, Nottingham, sail manufacturer, March 1 at 12, Birmingham District Court of Bankruptcy, and. ac.; March 3 at 12, div.—*John Brooks*, Liverpool, hotel keeper, March 2 at 1, District Court of Bankruptcy, Liverpool, div.—*Jas. Heap*, Burnley, Lancashire, publican, March 16 at 12, District Court of Bankruptcy, Manchester, div.—*J. Rowley*, sen., Willenball, Wolverhampton, curry-comb maker, March 6 at 11, Birmingham District Court of Bankruptcy, div.

## CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*Rob. Percival*, Hoekerrill, Bishop's Stortford, Hertfordshire, innkeeper, March 2 at half-past 11, Court of Bankruptcy, London.—*Wm. Wood*, Picket-street-chambers, Strand, bill broker, March 3 at half-past 2, Court of Bankruptcy, London.—*Robert W. Robinson*, sen., and *Robert W. Robinson*, jun., Bedford, grocers, March 2 at half-past 1, Court of Bankruptcy, London.—*William Street*, Ricklinghall Superior, Suffolk, grocer, Feb. 28 at 12, Court of Bankruptcy, London.—*Jacob Simons*, Longwick, Princes Risborough, Buckinghamshire, corn dealer, Feb. 28 at 1, Court of Bankruptcy, London.—*James Clark*, Sekford-street, Clerkenwell, baker, March 4 at half-past 1, Court of Bankruptcy, London.—*John W. Thomas*, Sion Nursery, Croydon, seedsman, March 3 at 2, Court of Bankruptcy, London.—*Peter Bould*, Ovenden, Halifax, Yorkshire, cotton spinner, March 2 at 11, District Court of Bankruptcy, Leeds.—*John S. Walton*, Northallerton, Yorkshire, money scrivener, March 2 at 1, District Court of Bankruptcy, Leeds.—*Jos. Carr*, Low Southwick, Monkwearmouth Shore, Durham, ship builder, March 1 at 10, Newcastle-upon-Tyne District Court of Bankruptcy.—*Jos. Taylor*, Middlesbrough, Yorkshire, coal fitter, Feb. 28 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John James*, Cheltenham, wine merchant, March 3 at 1, District Court of Bankruptcy, Bristol.—*Hen. C. Jeffreys*, Much Wenlock, Shropshire, miller, March 3 at 1, District Court of Bankruptcy, Birmingham.—*Hen. T. Elliston*, Leamington Priors, Warwickshire, music seller, March 3 at 12, District Court of Bankruptcy, Birmingham.—*Thos. P. Stokes*, Dudley, Worcestershire, builder, March 3 at 11, District Court of Bankruptcy, Birmingham.—*Chas. Hilton*, Manchester, manufacturer, March 3 at 12, District Court of Bankruptcy, Manchester.—*Benj. Price*, Birmingham, general dealer, March 2 at 12, District Court of Bankruptcy, Birmingham.—*John Simons*, Atherstone, Warwickshire, furnishing ironmonger, Feb. 28 at 1, District Court of Bankruptcy, Birmingham.—*Wm. Blasland*, Birmingham, woollen draper, March 6 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Laycock*, Leeds, cloth manufacturer, March 4 at 11, District Court of Bankruptcy, Leeds.—*Richard Soreby*, Sheffield, innkeeper, March 2 at 11, District Court of Bankruptcy, Leeds.—*James Heap*, Burnley, Lancashire, publican, March 4 at 12, District Court of Bankruptcy, Manchester.—*John Holroyd*, Wheatley, Halifax, Yorkshire, cotton-warp maker, March 4 at 12, District Court of Bankruptcy, Manchester.—*Wm. Bridge*, Deritend, Aston nigh Birmingham, shoe maker, Feb. 28, Court of Bankruptcy, London.—*Thos. Bell*, Newcastle-upon-Tyne, tea dealer, Feb. 28, Court of Bankruptcy, London.—*Thomas Tunlin*, Liverpool, drysalter, Feb. 28, Court of Bankruptcy,

London.—*John Grant*, Wellington-street, Strand, printer, Feb. 28, Court of Bankruptcy, London.—*Alexander Jacob*, Manchester, merchant, Feb. 28, Court of Bankruptcy, London.—*John Brooks*, Liverpool, hotel keeper, Feb. 28, Court of Bankruptcy, London.—*Saw. Waite*, Farnley, Leeds, cloth manufacturer, Feb. 28, Court of Bankruptcy, London.—*Jos. B. Blundell*, Seacombe, Cheshire, rectifier, Feb. 28, Court of Bankruptcy, London.

## FIAT ANNULLED.

*Wm. Tomlinson*, Ashbourne, Derbyshire, maltster.

## SCOTCH SEQUESTRATIONS.

*Thos. Ritchie*, Edinburgh, painter.—*Alexander McGrigor*, Glasgow, cabinet maker.—*John Forsyth*, Edinburgh, builder.—*McGregor and Foote*, Craighead, Perthshire, potato dealers.

## INSOLVENT DEBTORS.

Saturday, Feb. 4.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Bartholomew Worth*, Exeter, proprietor of the Exeter Independent newspaper, No. 30,290 C.; *John Norton*, new assignee, in place of Richard Wethey, deceased.—*Charles John Tobman*, Hooker's-court, Lombard-street, London, tailor, No. 53,618 T.; *Henry Sweet*, assignee.—*Isaac Davidson*, Ricker-gate, near Carlisle, Cumberland, farmer, No. 36,094 C.; *David Latimer*, assignee.—*Aaron Isaacs*, Martlett's-court, Bow-street, lodging-house keeper, No. 54,408 T.; *Gabriel Hards*, assignee.—*Wm. Creed*, Fenchurch-street, tailor, No. 54,396 T.; *Geo. Hitchcock*, assignee.—*Jos. Wynne*, Cowper-street, City-road, painter, No. 54,286 T.; *John Hudson*, assignee.—*Hen. Martin*, Upper Park-place, Brompton, foreman to a tailor, No. 54,310 T.; *Wm. Daniels*, assignee.—*George Gardiner*, Limehouse-caneway, green-grocer, No. 54,267 T.; *Robt. Floyd and Philip Passman*, assignees.—*James Peters Willet*, Horley, near Reigate, Surrey, farmer, No. 54,254 T.; *William Ridley*, assignee.—*Andrew McLean*, Brixham, Devonshire, innkeeper, No. 61,116 C.; *Wm. B. Hill and Wm. John P. Wilkinson*, assignees.—*Wm. Gain*, Coombe-cottage, Abbotsham, Devonshire, tea-dealer, No. 61,358 C.; *Robert S. Perrott and Wm. L. Halls*, assignees.—*Thomas Goodhagh*, Lamb's Conduit-street, fancy stationer, No. 54,353 T.; *Geo. Yates*, assignee.—*Abraham Flack*, Bury St. Edmunds, Suffolk, butcher, No. 53,728 C.; *Joseph Alderton*, new assignee, in the room of Thomas Chapman, removed.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Feb. 28, at 9.

*Jacob Davis*, Greenhill's-rents, Saint John-street, West Smithfield, clothes-dealer.—*Wm. Wright*, Surrey-place, Kensington-road, Surrey, out of business.—*J. Miller*, Belgrave-terrace, Queen's-road, Haggerstone, assistant to a linen-draper.—*John Nelson*, New Crane, Wapping, butcher.—*T. Michlam*, Weston-street, Somers'-town, tobacconist.—*Alfred Wm. Stanbridge*, Morpeth-street, Green-street, Bethnal-green, out of business.—*Judith Avery*, Boston-street, Upper Gloucester-place, Dorset-square, widow, out of business.—*W. Heather*, Hereford, surveyor.—*Jas. Henry Curtis*, Victoria-road, Pimlico, plumber.—*Thos. Baker*, Manor-street, Clapham, Surrey, tailor.—*Jas. Gill*, Rathbone-place, Oxford-st., picture-dealer.—*Daniel O'Connell*, Crosby-row, King-street, Surrey, warehouseman.—*Richard Arthur*, Mitcham, Surrey, farmer.

## Adjourned.

*Patrick Hay*, Cavendish Hotel, Jermyn-street, St. James's, out of business.

March 2, at the same hour and place.

*James Potter*, Fairfield, Kingston-upon-Thames, out of business.—*Wm. Hen. Hutchins*, Great Pultney-st., Golden-square, shoemaker.—*Saml. F. Leach*, Featherstone-buildings, Holborn, caoutchouc bookbinder.—*Wm. Williams*, Kinder's-street, Commercial-road, painter.—*John Ewer*, Uxbridge-moor, near Uxbridge, Middlesex, out of business.—*Jas. Jenkins*, Mase-pond, St. Thomas-street, Borough, out of business.—*Philip Isaac Watts*, Red Cottage, New Kingston-upon-Thames, plumber.—*Anthony Holman*, Bletchingley, Surrey, bricklayer.—*Richd. Steer*, Passmore-street, Pimlico, retailer in beer.—*Louis H. G. Rodewaldt*, Upper Whitecross-street, St. Luke's, out of business.

*Court-house, DURHAM, (County), Feb. 25 at 10.*

*Adjourned.*

*Joseph Bond, jun., Old Shildon, publican.—Geo. Walker Barnes, South Shields, auctioneer.*

*Court-house, WORCESTER, (City), Feb. 28 at 10.*

*W. Lucy, Worcester, hair-dresser.—Saml. Hawkes, Hawford, gravel riser.—Wm. Whitehouse, Kinnarsley, coach-maker.—Jas. Edwards, Sudbury, Worcester, cheese-factor.—Richard West, Suckley, Worcestershire, labourer.*

*Court-house, WORCESTER, (County), Feb. 28 at 10.*

*Chas. Grove, Kingsmorton, farmer.—Jos. Lord, Langdon, farmer.—Ed. James, Astly, near Stourport, dealer in cattle.—Geo. Fletcher, Aston Magna, Blockley, labourer.—Joseph Wilkinson, Freebodys, Dudley, vice manufacturer.—William Fletcher, Aston Magna, labourer.—Benj. David Pope, Cleobury Mortimer, Shropshire, attorney at law.—Richd. Clayton, Lickey's-end, Bromsgrove, out of business.—Joseph Walker, Chaceley, gentleman.—Joshua Wilkinson, Freebodys, Dudley, vice manufacturer.—Jos. Richardson, Stonal-common, Kempsey, gardener.—Mark Creese, Castlemorton, labourer.—Wm. Griffin, Great Malvern, hatter.—Thos. Cope, Kidderminster, carpet-weaver.—Alex. Smith, Dudley, tea-dealer.—Thomas Millichip, Kidderminster, police-officer.—Thos. Lane, Pershore, labourer.—Edward Holloway Broadfield, Stourport, victualler and livery-stablekeeper.*

*Court-house, NEWCASTLE-UPON-TYNE, (Town), Feb. 28 at 10.*

*Wm. Brown, Newcastle-upon-Tyne, victualler.—Robert Carter, Newcastle, bookbinder.—Jos. Harrison, Newcastle-upon-Tyne, victualler.—Hen. Armstrong, Throckley, farm labourer.—G. Wright, Newcastle-upon-Tyne, common brewer.—George Boiston, Gateshead, Durham, quarryman.—Robert Tempest, Gateshead, Durham, waterman.—Wm. Stearman, Gateshead, Durham, blacksmith.—John Laing, Newcastle-upon-Tyne, pitman.—Alex. Laidlaw, sen., Newcastle-upon-Tyne, stone-mason.—Thos. Common, Newcastle-upon-Tyne, surgeon.—Wm. Brass, Newcastle-upon-Tyne, publican.—T. Smith, Newcastle-upon-Tyne, cowkeeper.*

*Court-house, NEWCASTLE-UPON-TYNE, (County), Feb. 28 at 10.*

*Mary Raine, Benwell, widow.—Ed. Kiteop, Blyth, hardwareman.—John Rae, North Shields, cabinet-maker.—Wm. Jas. Burnett, North Shields, out of business.—John Gowlden, Prudhoe, pitman.—John Charlton, Morpeth, labourer.—W. Bain, North Shields, joiner to a coach manufacturer.—Soren R. Rodd, Warkworth, captain.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Fryer, Liverpool, shoemaker: 8s. in the pound.—S. Barnett, Liverpool, tailor: 1s. 3½d. in the pound.—Margaret Gordon, Chow Bent, near Wigan, Lancashire: 2s. 5d. in the pound.—Archibald Bennoch, Upper Park-street, Islington, warehouseman at a cloth warehouse: 11d. in the pound.—A. Raby, Brynmor, Llanelly, Carmarthenshire, ship-broker: 2s. 9½d. in the pound.—Ed. Hughes, jun., Llanidloes, Montgomeryshire, flannel manufacturer: 1s. 11½d. in the pound.—Thos. Blumer, South Shields, Durham, shipwright: 1s. 1d. in the pound.—David Esoch, New-quay, Cardiganshire, shopkeeper: 2s. 2½d. in the pound.*

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 11 and 3.*

*Wm. Stephens, Thayer-street, Manchester-square, shoe-maker, Poole's, Broad-street, Bloomsbury: 4s. in the pound.—James Phippen, Maidstone, newspaper-agent, Baxter's, Lewes, Sussex: 1s. 6d. in the pound.*

#### MEETINGS.

*John Powell, Bristol, engraver, Feb. 24 at 3, Harley's, Bristol, sp. aff.*

FRIDAY, FEBRUARY 10.

#### BANKRUPTS.

THOMAS PEARSON, Liverpool-road, Islington, builder, Feb. 22 and March 30 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Roy & Co., Lothbury.—Fiat dated Jan. 27.

EDWARD TRIBE, Bedford-street, Bedford-square, money scrivener and bill broker, Feb. 25 at 2, and March 24 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Bull, 25, Ely-place, Holborn-hill.—Fiat dated Jan. 28.

JAMES WHITELAW and THOMAS WHITELAW, Litchfield-street, Soho, and Store-street, Bedford-square, carpenters and builders, Feb. 21 at 12, and March 14 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Johnston, Chancery-lane.—Fiat dated Feb. 1.

JOSEPH COOPER, Sutton, near Macclesfield, Cheshire, mercer and draper, Feb. 22 and March 22 at 12, Manchester District Court of Bankruptcy: Off. Ass. Hobson; Sols. Sale & Worthington, Manchester; R. M. and C. Baxter, Lincoln's-inn-fields.—Fiat dated Feb. 1.

RICHARD SHEPHERD, Liverpool, boot and shoe maker, Feb. 24 and March 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Brabner & Atkinson, Liverpool; Vincent & Sherwood, Temple.—Fiat dated Feb. 4.

JOHN BARRACLOUGH, Bradford, Yorkshire, timber merchant, Feb. 22 and March 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Clegg, Bradford, Yorkshire.—Fiat dated Feb. 6.

JOHN SPIVEY, Lepton, Kirkheaton, Yorkshire, provision dealer, Feb. 25 at 10, and March 16 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Hesp, Huddersfield.—Fiat dated Jan. 30.

WILLIAM CARR THORNTON, Cleckheaton, Birstall, Yorkshire, machine maker, Feb. 21 at 1, and March 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Humble, Cleckheaton.—Fiat dated Jan. 31.

AARON BRAIN, Bedwelty, Monmouthshire, shopkeeper, grocer, and draper, Feb. 27 at 12, and March 24 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Protheroe & Towgood, Newport; Hall, New Boswell-court, London.—Fiat dated Jan. 24.

NATHANIEL DICKENSON, Ancoats, Manchester, dyer, Feb. 24 and March 15 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Saunders, Manchester; Makinson & Sanders, 3, Elm-court, Middle-temple.—Fiat dated Feb. 3.

THOMAS JOYCE, Bristol, woollen draper, Feb. 27 and March 20 at 1, Court of Bankruptcy, Bristol District: Off. Ass. Acraman; Sols. Shattock & Cracknell, Bristol.—Fiat dated Feb. 3.

#### MEETINGS.

*Wm. MacLeod, Coleman-street-buildings, merchant, Feb. 23 at 12, Court of Bankruptcy, London, pr. d.—Geo. Cuates, Hart-street, Bloomsbury, apothecary, Feb. 23 at half-past 1, Court of Bankruptcy, London, last ex.—Samuel Partridge, Peerless-row, City-road, licensed victualler, Feb. 23 at 2, Court of Bankruptcy, London, last ex.—Wm. Pye, Eagle Saw-mills, Old Brompton, Middlesex, and Barnes, Surrey, builder, Feb. 20 at 1, Court of Bankruptcy, London, last ex.—H. Blackman, Cranbrook, Kent, grocer, Feb. 20 at half-past 11, Court of Bankruptcy, London, last ex.—J. Davies and H. Edwards, Westminster-road, Lambeth, linen drapers, Feb. 24 at 12, Court of Bankruptcy, London, last ex.—Charles Mills Nicholson, New Corn Exchange, Mark-lane, and Dock-head, Bermondsey, Surrey, corn merchant, Feb. 22 at 2, Court of Bankruptcy, London, last ex.—Sam. C. Boyce, Fenchurch-street, cheesemonger, and Rood-lane, accountant, Feb. 22 at 1, Court of Bankruptcy, London, last ex.—Louis Goodman, Tottenham-court-road, draper, Feb. 22 at 12, Court of Bankruptcy, London, last ex.—Thos. Jones, Liverpool, coal dealer, March 17 at 11, District Court of Bankruptcy, Liverpool, last ex.—John Thos. Boor, Lower Thames-street, lodging-house keeper, March 3 at 11, Court of Bankruptcy, London, and. ac.—Joshua Allen, Much Wymondley, Hertfordshire, dealer in cattle, March 3 at half-past 11, Court of Bankruptcy, London, and. ac.—John Bryant, King William-st., West Strand, bookseller, March 3 at 11, Court of Bankruptcy, London, and. ac.—Hen. Miles, Southampton, woollen draper, March 4 at half-past 11, Court of Bankruptcy, London, and. ac.—Abr. Dixon, Huddersfield, Yorkshire, and William Taylor, Great Winchester-street, London, merchants, March 6 at half-past 1, Court of Bankruptcy, London, and. ac.—Mercy Matthews and John Hopkins, Rochester and Strood, Kent, coal merchants, March 6 at half-past 11, Court of Bankruptcy, London, and. ac.—Wm. Huskisson, Birmingham, linen draper, March 8 at half-past 12, Birmingham District Court of Bankruptcy, and. ac.; March 9 at 1, div.—Benj. Holmes, Birmingham, boot maker, March 9 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.—Wm. Nairn and Jas. Liston, Tower Royal, Watling-st., linen and hempen cloth*

manufacturers, March 3 at 12, Court of Bankruptcy, London, div.—*R. Clarke and J. Buryes*, Coal Exchange, London, coal factors, March 3 at 11, Court of Bankruptcy, London, div.—*William Brockopp*, High-street, Southwark, grocer, March 3 at half-past 12, Court of Bankruptcy, London, div.—*James Jones*, Staines, Middlesex, linen-draper, March 7 at half-past 12, Court of Bankruptcy, London, div.—*Abraham Dixon*, Huddersfield, Yorkshire, and *Wm. Taylor*, Great Winchester-st., London, merchants, March 7 at 12, Court of Bankruptcy, London, div.—*J. Chandler and S. King*, St. Paul's Church-yd., woollen-drappers, March 7 at 1, Court of Bankruptcy, London, div.—*John Swallow*, sen., *John Swallow*, jun., and *George Swallow*, Brown, and Ferne-mills, Skircoat, Halifax, Yorkshire, corn-millers, March 6 at 12, District Court of Bankruptcy, Leeds, div.—*J. Baker and E. Swinburne*, Birmingham, timber-merchants, March 6 at half-past 11, District Court of Bankruptcy, Birmingham, div. sep. est. *Jos. Baker*.—*H. G. P. Tackett*, Poultry, merchant, Feb. 20 at half-past 11, Court of Bankruptcy, London, last ex.

## CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

*Wm. Capon*, New Bond-street, hatter, March 4 at 1, Court of Bankruptcy, London.—*John Fredk. Lewis*, Oil Mills, Ebby, near Stroud, Gloucestershire, woollen-cloth manufacturer, March 4 at 11, Court of Bankruptcy, London.—*Wm. Hen. Ball*, Kennington-cross, Surrey, coach-master, March 4 at half-past 10, Court of Bankruptcy, London.—*Geo. Richmond*, Cowley, Oxfordshire, corn-dealer, March 3 at 2, Court of Bankruptcy, London.—*Hen. Miles*, Southampton, woollen-draper, March 4 at half-past 11, Court of Bankruptcy, London.—*Wm. M. Knight*, Green Arbour-ct., Old Bailey, Angel-ct., Skinner-st., and Bishop's-ct., Old Bailey, printer, March 4 at 11, Court of Bankruptcy, London.—*Geo. Field*, Beaumont-st., Marylebone, coach maker, March 3 at half-past 1, Court of Bankruptcy, London.—*R. Evans*, *J. Foster*, *S. Z. Langton*, and *Thos. Foster*, Barge-yard, Bucklersbury, East-India merchants, March 6 at 1, Court of Bankruptcy, London.—*Richd. Plack*, Lambeth-street, Whitechapel, licensed victualler, March 3 at half-past 2, Court of Bankruptcy, London.—*John Colinson*, South Molton-lane, and South Molton-st., carpenter, March 4 at 1, Court of Bankruptcy, London.—*G. Olden*, New Sarum, Wiltshire, grocer, March 4 at 12, Court of Bankruptcy, London.—*Jos. Hextall*, Regent-street, lace-man, March 4 at 2, Court of Bankruptcy, London.—*Henry P. Coltherup*, Rochester, Kent, dyer, March 6 at half-past 11, Court of Bankruptcy, London.—*T. Harris*, St. Alban's, Hertfordshire, grocer, March 3 at 1, Court of Bankruptcy, London.—*Joseph Jas. Dell*, Strand, tavern and hotel-keeper, March 10 at 1, Court of Bankruptcy, London.—*Matthew Wilcock*, Huddersfield, Yorkshire, merchant, March 3 at 12, District Court of Bankruptcy, Leeds.—*John Ellis*, Mansfield, Nottinghamshire, brush-maker, March 6 at 11, District Court of Bankruptcy, Leeds.—*John Crouther*, Huddersfield, Yorkshire, corn-miller, March 3 at 11, District Court of Bankruptcy, Leeds.—*Mark A. Hartnell*, Rodborough, Gloucestershire, common carrier, March 7 at 12, District Court of Bankruptcy, Bristol.—*Wm. Antill*, Bourne, Gloucestershire, umbrella-stick maker, March 7 at 1, District Court of Bankruptcy, Bristol.—*Wm. G. Wilde*, Ross, Herefordshire, tanner, March 14 at 12, District Court of Bankruptcy, Bristol.—*Thomas Scott*, Tewkesbury, Gloucestershire, innkeeper, March 7 at 11, District Court of Bankruptcy, Bristol.—*Isaac J. Thos. Hayward*, Downfield, and Stroud, Gloucestershire, common brewer, March 14 at 11, District Court of Bankruptcy, Bristol.—*Mal. Atkinson*, Temple Sowerby, Westmorland, banker, March 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jas. Taylor and Jas. Butlerworth*, Rochdale, Lancashire, painters, March 7 at 12, District Court of Bankruptcy, Manchester.—*Dani. Matthews*, Pendleton, Lancashire, victualler, March 7 at 12, District Court of Bankruptcy, Manchester.—*Jas. Higgins*, Birmingham, fishmonger, March 6 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Baker and Ed. Swinburne*, Birmingham, timber-merchants, March 2 at 11, District Court of Bankruptcy, Birmingham.—*George Souter*, Birmingham, japanner, March 3 at half-past 1, District Court of Bankruptcy, Birmingham.—*Jos. Lane*, sen., Stockport, Cheshire, cotton manufacturer, March 3, Court of Bankruptcy, London.—*Wm. Nairn and Jas. Liston*, Tower Royal, Watling-st., woollen-cloth manufacturers, March 3, Court of Bankruptcy, London.—*Chas. Goodman*, Northamp-

ton, cutler, March 3, Court of Bankruptcy, London.—*Wm. Elder*, Newcastle-upon-Tyne, grocer, March 3, Court of Bankruptcy, London.—*Wm. M. Atkinson*, Carlton, and Bectles, Suffolk, maltster, March 3, Court of Bankruptcy, London.—*Thomas Fielder*, Brewer-street, Somers-town, baker, March 3, Court of Bankruptcy, London.—*Thomas Hartley*, Liverpool, hatter, March 3, Court of Bankruptcy, London.—*Jas. Ashwell*, Salford, Lancashire, grocer, March 3, Court of Bankruptcy, London.—*Adolphus Dimenthal*, Birmingham, wine-merchant, March 3, Court of Bankruptcy, London.—*Joseph Maunders*, Weymouth, and Melcombe Regis, Dorsetshire, grocer, March 3, Court of Bankruptcy, London.—*Wm. Walker*, Drury-lane, looking-glass manufacturer, March 3, Court of Bankruptcy, London.—*John H. Thompson*, Newcastle, Staffordshire, silk throwster, March 3, Court of Bankruptcy, London.—*John Barton*, St. Helen's, Lancashire, watch-movement maker, March 3, Court of Bankruptcy, London.—*Alex. Gibson*, High-street, Whitechapel, grocer, March 3, Court of Bankruptcy, London.—*Henry Young*, Southampton, builder, March 3, Court of Bankruptcy, London.—*John Astrobus*, Birmingham, plater, March 3, Court of Bankruptcy, London.—*John Gardner*, sen., Godalming, Surrey, common brewer, March 3, Court of Bankruptcy, London.—*W. Green*, Birmingham, cabinet-case maker, March 3, Court of Bankruptcy, London.—*James Triggs*, Southampton, upholsterer, March 3, Court of Bankruptcy, London.—*William Brown*, Manchester, stuff manufacturer, March 3, Court of Bankruptcy, London.—*W. E. Oldham*, Manchester, commission agent, March 3, Court of Bankruptcy, London.—*C. S. Heywood and Wm. Heywood*, Manchester, warehousemen, March 3, Court of Bankruptcy, London.—*Thomas Clarke*, Rugby, Warwickshire, mercer, March 3, Court of Bankruptcy, London.—*George Stanway*, Stoke-upon-Trent, Staffordshire, confectioner, March 3, Court of Bankruptcy, London.—*J. S. Aird*, East Herrington, Durham, cattle salesman, March 3, Court of Bankruptcy, London.—*S. Magnus*, Dover, Kent, slopseller, March 3, Court of Bankruptcy, London.—*Alex. Mitchell*, Devises, Wiltshire, tea dealer, March 3, Court of Bankruptcy, London.

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## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, March 3 at 9.

*Robt. Ingram*, Goswell st., dealer in straw plait.—*John W. Woods*, Eastcheap, hardwareman.—*S. Underwood*, Homerton-row, Homerton, carpenter.—*George Windle*, Brook-st., New-road, St. Pancras, greengrocer.—*Wm. Perryer*, Upper Cornwall-st., St. George's in the East, carpenter.—*Edw. H. Mears*, Russell-cottage, Blackheath-hill, Blackheath, Kent, out of business.—*J. Hunter*, William-st., Kennington-common, Surrey, clerk.—*Thomas Wilson*, Gerrard-st., Soho, upholsterer.—*Walter Raymond*, Dalston, Middlesex, out of employment.

March 6, at the same hour and place.

*James Paterson*, Fish-st.-hill, hair-dresser.—*Colin Crawford*, Upper Mitcham, Surrey, baker.—*James M'Nair*, High-st., Old Brentford, grocer.—*J. H. Roscoe*, Baker's-row, Whitechapel-road, mealman.—*Chas. Coghlan*, Hampden-st., Somers-town, and Winsley-st., Oxford-st., upholsterer.—*C. Collins*, Paradise-row, Chelsea, cabriolet driver.—*John Merryweather*, Gloucester-place, Walworth, Surrey, keeper of a booth for the sale of wine.—*John Francis*, Cheltenham-place, Lambeth, general dealer.—*Wm. Haynes*, King's sq., Goswell-road, butter salesman.—*James W. Fortune*, Kingston-upon-Thames, Surrey, bookseller.

## Adjourned.

*John Winter*, St. Leonard's-st., Pimlico, carpenter.

Court-house, DOVER CASTLE, Kent, March 6 at 10.

*George Paine*, Rye, Sussex, plumber.—*Jas. Mills*, Uphill, Folkestone, publican.—*Charles Daniels*, Lower Hardies, cattle jobber.

*Court-house, APFLEBY, Westmoreland, March 7 at 10.*

*Agnes Wells, Stricklandgate, Kendal, victualler.*

*Court-house, CARLISLE, Cumberland, March 3 at 10.*

*John Sibson, Cornhill, Grimsdale, out of business.—John Pattinson, Carlisle, gardener.—Jonathan Gate, Carlisle, joiner.—David Hope, Botchergate, Carlisle, weaver.—John Smith, Botchergate, shoemaker.*

*Court-house, HEREFORD, (County), March 3 at 10.*

*Wm. West, Hereford, innkeeper.—Henry Chadd, Ledbury, shoemaker.—James Probert, Much Marcle, out of business.—James Pitt, Hereford, out of business.—Jas. Peake, Hereford, saddler.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*Robt. John Hibbs, lieutenant in the royal navy, Parker's, Greenwich, 4s. 4d. in the pound.—Thomas Kearnan, Easton-place, New-road, draughtsman, Ivimey's, 26, Chancery-lane: 6d. in the pound.*

#### MEETINGS.

*Jeremiah Gregory, Cove, Yateley, Southampton, farmer, Feb. 28 at 11, Prickett & King's, Odiham, Hants, sp. affairs.—John Fillingham, West Stockwith, Nottinghamshire, Feb. 28 at 11, Black Head Inn, Gainsborough, sp. affairs.*

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Francis Dunsford, of Tiverton, Devonshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

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20	1	0	6	1	1	8	2	0	6	41	1	9	5	1	11	0	3	5	4
21	1	0	8	1	1	9	2	1	5	42	1	9	9	1	11	9	3	7	0
22	1	0	9	1	1	10	2	2	4	43	1	10	0	1	12	6	3	9	0
23	1	0	10	1	1	11	2	3	3	44	1	10	1	1	13	7	3	11	0
24	1	0	11	1	2	0	2	4	2	45	1	12	2	1	14	8	3	13	0
25	1	0	1	2	2	2	5	2	4	46	1	12	6	1	16	0	3	15	6
26	1	1	2	2	6	2	6	2	4	47	1	13	5	1	17	8	3	18	0
27	1	1	3	2	9	2	7	2	4	48	1	14	4	1	19	6	4	1	0
28	1	1	4	3	2	2	8	2	4	49	1	15	4	2	1	5	4	0	0
29	1	1	9	3	7	2	9	3	5	50	1	16	1	2	3	10	4	7	3
30	1	2	1	4	1	2	10	4	5	51	1	19	2	2	6	4	10	6	0
31	1	3	0	4	6	2	11	6	3	52	1	7	2	9	8	4	14	0	0
32	1	3	8	5	3	2	12	8	3	53	4	8	2	13	0	4	17	6	0
33	1	4	3	6	0	2	13	11	5	54	6	8	2	16	6	5	1	3	0
34	1	5	0	6	7	2	15	2	5	55	8	8	3	0	4	5	5	0	0
35	1	5	2	7	2	2	16	6	5	56	12	4	3	4	4	5	9	0	0
36	1	5	10	8	0	2	17	10	5	57	16	9	3	8	6	5	13	0	0
37	1	6	5	8	6	2	19	3	8	58	0	9	3	12	8	5	17	6	0
38	1	7	8	9	1	3	0	8	5	59	5	10	3	17	2	6	2	0	0
39	1	8	5	9	10	3	2	2	6	60	3	10	6	4	2	3	6	7	2
40	1	8	9	10	4	3	3	8											

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\* \* The Income of this Society, which is steadily increasing, now exceeds 97,900l. per annum.

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# The Jurist

No. 319.

FEB. 18, 1843.

With Supplement, 2s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	{ E. KEMPSON, Esq. of the Middle Temple; and G. J. P. SMITH, Esq. of the Inner Temple, Barristers at Law.
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	{ A. V. KIEWAN, Esq. of Gray's Inn, Barrister at Law.
The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas	{ J. R. MARSHMAN, Esq. of Lincoln's Inn, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.		
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, FEBRUARY 18, 1843.

At the suggestion of a correspondent we shall, in our present Number, examine somewhat into the operation of the statutes 6 Geo. 4, c. 16, and 2 & 3 Vict. c. 29, upon executions founded on judgments on warrants of attorney. The correctness of the decision in the case of *Whitmore v. Robertson*, (8 Mee. & W. 463; 5 Jur. 1088), in which this subject was discussed, has, we believe, been much disputed amongst the profession; and we trust our readers will not consider it an altogether profitless task to follow us, when we state what our views are respecting that case. In order the better to do this, it will be well to consider first the previous state of the law. This depended upon the construction which had been put upon sections 81 and 108 of the 6 Geo. 4, c. 16. The former of these provided, that all executions and attachments against the lands and tenements, or goods and chattels of a bankrupt, bona fide executed or levied more than two calendar months before the issuing of the commission, (for which, as our readers are aware, the fiat was afterwards substituted), should be valid, notwithstanding any prior act of bankruptcy, provided the person at whose suit or on whose account the execution or attachment issued had not at the time of executing or levying it notice of any prior act of bankruptcy. This section therefore embraced all executions, whether founded on judgments obtained adversely, or on judgments by default or confession. It was however controlled by the 108th, which, on account of its peculiar form and language, must be stated verbatim. It enacts, "That no creditor, having security for his debt, or having made any attachment in London or any other place by virtue of any custom there used, of the goods and chattels of the bankrupt, shall receive upon any such security or attachment more than a rateable part of such debt, except in respect of any execution or extent served and levied, by seizure

upon, or any mortgage of or lien upon any part of the property of such bankrupt before the bankruptcy, provided that no creditor, though for a valuable consideration, who shall sue out execution upon any judgment obtained by default, confession, or nil dicit, shall avail himself of such execution to the prejudice of other fair creditors, but shall be paid rateable with such creditors." In considering the effect of this section, it must be remembered, that, in the words of Littledale, J., in *Morland v. Pellatt*, (8 B. & C. 722), "As between creditors and assignees it has always been held, that an execution is executed by seizure, it being an entire thing, which when once begun must go on to a conclusion, and cannot be stopped by an act of bankruptcy." If the 81st section therefore had stood alone, all executions upon which a seizure was made more than two months before the issuing of the commission without notice of a prior act of bankruptcy would have been valid. Then, as to the operation of the 108th section. That, by its terms, has reference only to creditors who have security for their debts. Notice of a prior act of bankruptcy is not contemplated by it. That had been provided for by the 81st, and the two sections have each a distinct object. Now, a party who has under an execution seized the goods of a bankrupt is a creditor having security for his debt. That this is so is evident from the words in the section, "except in respect of any execution or extent served and levied," and which words would, except for the proviso which immediately follows, give to every person who before the bankruptcy had seized goods under an execution, no matter how the judgment upon which it was founded had been obtained, a right to avail himself of his security. The proviso however applies itself to the exception, and takes out of its operation executions upon judgments obtained by default, confession, or nil dicit, putting such execution-creditors in the same situation as, by the first part of the section, those creditors are



placed who have security, but are not within the exception.

Thus we have arrived at the conclusion that a creditor who, by virtue of an execution upon a judgment by default, confession, or nil dicit, has a security for his debt, cannot avail himself of it, but must be paid rateably with the other creditors. But we must not lose sight of the fact that he is a creditor having a security; and the grounds upon which it has been held, that, in cases of this sort, there must be a sale as well as a seizure of the goods to defeat the right of the other creditors, are then easily explained. When the goods have been sold the party suing out the execution has ceased to be a creditor having security. If the sheriff pays over the money to him, the debt is satisfied; if he retains it, the credit is transferred from the bankrupt to him. In support of what we have been stating, we refer our readers to the cases of *Wymer v. Kemble*, (6 B. & C. 484); *Morland v. Pellatt*, (8 B. & C. 722); and *Ramsey v. Eaton*, (10 Mee. & W. 22).

To return now to the 81st section. By the terms of the 108th, there must be a seizure by the execution creditor before the bankruptcy; and if at the time of the seizure an act of bankruptcy has been committed, his security is defeated. The 81st section, we have seen, took away the effect of a prior act of bankruptcy, where the seizure had been made more than two calendar months before the issuing of the commission, and without notice. But it could apply only to those cases which, but for it, would have been affected by notice of a prior act of bankruptcy. Whence it seemed to follow, that, as judgments by default, confession, or nil dicit, were not available, whether there had been a prior act of bankruptcy or not, an enactment which qualified its effect could not apply to them. In *Godson v. Sanctuary*, (4 B. & Adol. 255), however, it was decided otherwise; and the 81st section was made to apply to all executions levied more than two months before the issuing of the commission, whether founded on judgments after verdict or on judgments by default or confession; and the operation of the 108th section was confined to cases where the seizure had been made within the two months. Thence seems to have arisen the difficulty respecting the effect of the 2 & 3 Vict. c. 29, it being supposed that, as the two months were, so to speak, obliterated by that statute, nothing was left to which the 108th section could be applied.

Having thus considered what the law was formerly, we will now proceed to the alteration in it. The 2 & 3 Vict. c. 29, enacted that all executions bona fide executed or levied before the date and issuing of the fiat, should be deemed to be valid, notwithstanding any prior act of bankruptcy, provided there was no notice of it. It recited the 81st section but not the 108th, and in *Whitmore v. Robertson* its effect upon this latter section came to be considered. In that case the goods of the bankrupt were seized under an execution on a judgment on a warrant of attorney, and the fiat issued before any sale was made. It was argued in Trinity Term, 1841, and in the Michaelmas Term the Court of Exchequer delivered their judgment, that the execution was defeated by the fiat. That judgment is too long to be inserted in this place, and we must refer our readers

to the report. We may, however, observe that it proceeds upon the principles we have before stated. We have said that this decision has been questioned. We think, however, that it may now be considered as settled law. In Trinity Term of last year, when some time had elapsed, the Court of Exchequer, in *Ramsey v. Eaton*, (10 Mee. & W. 22), reiterated their opinion that the 108th section was still in force. There the sale had taken place before the fiat issued, and on that ground they held that the assignees were not entitled to recover; but no doubt is expressed as to the correctness of their former opinion; and it is to be inferred, that had there not been a sale, they would have again decided against the creditor. But in *Rawdon v. Wentworth* (10 Mee. & W. 36) arose precisely the same point as in *Whitmore v. Robertson*. It was said in the argument that the authority of *Whitmore v. Robertson* was not disputed, and it was only attempted to be shewn that the judgment in question was not one by default, confession, or nil dicit; and the court said, that they saw no ground to doubt the correctness of the former decision, and followed it in the one before them. We see no reason therefore to consider the law otherwise than settled by these cases; and for our own parts, indeed, we should have been satisfied with *Whitmore v. Robertson* without having its authority confirmed.

Our correspondent tells us he is informed that a case involving the same question is now standing for judgment in the Exchequer Chamber. We are not aware that this is so. Perhaps *Rawdon v. Wentworth*, which was only heard at the Sittings in Michaelmas Vacation, and the Court took time to consider, is the case he alludes to.

In conclusion we will remark, that it seems to us to follow from these cases, that an execution upon a judgment on a warrant of attorney, is not now protected against an act of bankruptcy committed more than two months before the issuing of the fiat. It can hardly be said that the 81st section remains in force for that purpose, although repealed as to every other. And we have seen besides, that the construction put upon it in this respect in *Godson v. Sanctuary*, is not consistent with the principles upon which the recent decisions have been made.

## CHANCERY PRACTICE.

### REMARKS ON THE 16TH AND 17TH AMENDED ORDERS OF APRIL, 1828.

It is hardly to be expected that any rules not founded upon actual experience of the existing imperfections in practice, can meet the various cases to which they may be designed to apply. No one, be his foresight and sagacity ever so rare and penetrating, can a priori say of a mere matter of detail which is to regulate the complicated machinery of a Chancery suit, that it will be found to adapt itself in all respects to the diverse circumstances of each particular case; and that it will not require any alteration or modification whatever. This we say is not to be expected. But when, after having experienced for years the defects in a single branch of the practice, we proceed to supply those defects by constructing a new rule, which, upon being practically applied, is found to be inefficacious, we must confess that

we have mistaken the proper remedy, and have recourse to a further alteration. But if, after this second change, the plan adopted should not be found to attain its object, what are we to infer? Surely, either that the system is of a hopeless and unimprovable character, or that (surprising as it may appear to us who had seen the mischief, and thought that we could therefore supply the remedy) it is not in our power to improve it. If the rule thus put forth and thus amended, shall prove to be unintelligible to the world, must we not either infer that our language is inapplicable to the subject, or with more candour confess that we are unable to apply it?

It will be said that these remarks savour of truism; that such conclusions do most assuredly follow from such suppositions as we have thought proper to make; but that such suppositions are absurd, and are not to be justified by anything that has hitherto occurred in our practice, nor by anything that is likely to occur. We must submit to the charge of truism, which will give force to the observations we are about to offer; but the Chancery practitioner, when we call his attention to the 16th and 17th amended Orders of April, 1828, will at once acknowledge, that, to some extent at all events, there is a foundation for the remarks which we have made.

To judge of the design and effect of a remedy, we ought to look at the mischief. Under the old practice the plaintiff, dominus litis, was frequently found to exercise his power in a very tyrannical manner, by protracting the continuance of the suit. The defendant to be sure could urge him step by step, but at long intervals, to proceed with his cause; but the plaintiff nevertheless had it in his power sometimes altogether to evade, and always to prolong the defendant's pursuit of him. We believe that we are safe in saying that, under the old practice, the defendant, even if he were successful in all the steps he was obliged to take, could not, against an inactive plaintiff, get rid of the suit in a shorter time than one year after replication filed\*.

Here, then, was an abuse in practice, which called for the extraordinary interference of the Lord Chancellor; and how was it dealt with? The 16th and 17th Orders of April, 1828, were framed with a view to remove it. That they did not have any such effect, may be fairly presumed from the fact, that, in November, 1833, those Orders were materially amended. Thus is the first part of our observations borne out—there was a defect perceived—a remedy devised—found to be insufficient—and amended.

The following remarks will, we hope, shew that we have not been conjuring up a difficulty in order to allay it again.

The 16th amended Order of April, 1828, provides, that if the plaintiff shall not proceed in the cause, the defendant shall be at liberty, after the expiration of two months from the time when the answer is to be deemed sufficient, (i. e. four months after it has been filed), to move for the dismissal of the bill, with costs, for want of prosecution; and the bill will be dismissed accordingly, unless the plaintiff shall appear upon the motion and give an undertaking to file a replication and serve a subpoena to rejoin; and in case he requires a commission to examine witnesses, shall obtain and serve an order for such commission within three weeks from the date of such undertaking; or unless the plaintiff, without filing a replication, shall appear upon such motion and undertake to hear the cause as against the defendant upon bill and answer.

Whatever may have been the intention of this Order, the grammatical construction of it will not allow us to apply the three weeks' time to the filing replication

and serving subpoena to rejoin. That restriction of time is necessarily to be applied only to the obtaining and serving an order for a commission to examine witnesses, in case the plaintiff shall require one. If, therefore, he does not require one, he has merely to give an undertaking to file replication, and to serve the subpoena to rejoin; but as he is not restricted as to the time within which he is to take these formal proceedings, he is necessarily remitted to the old practice, which the promulgation of this Order had condemned, and which it is to be wished that it had annihilated. (*Darby v. Smale*, 1 Hare, 490; S. C., 6 Jur. 487). In this case, Sir J. Wigram, V. C., after observing, that it appeared to him on the first consideration of this point, that it was scarcely reasonable to construe the Order in such a manner as to give a plaintiff who does not require a commission a greater time for filing his replication than is given by the Order to a plaintiff who does require a commission, said, that he was bound by the construction which had been put upon similar words occurring in the 17th Order, to which we shall presently refer. "This construction," he said, "gives the larger time for the least complicated proceedings; but it proceeds on the consideration, that the three weeks allowed for the steps to be taken antecedent to a commission, cannot have reference to steps which are taken without any view to a commission." (1 Hare, 492).

It appears therefore, that the abuse before pointed out is not remedied by this Order in those cases where the plaintiff chooses to examine his witnesses before the Examiners in town—where he has nothing to prove but deeds &c. which he can prove *viva voce* or by affidavit at the hearing—or where, though he may wish to reply to the defendant's answer, he does not want to go into any evidence at all. In this respect, we say, the purpose of the 16th Order has wholly failed; for it would be absurd to suppose, that any distinction was intended to be made between the case of a plaintiff examining his witnesses under a commission, and that of a plaintiff examining his witnesses in town, or not examining any witnesses at all; i. e. to suppose that it was intended to give the plaintiff an almost indefinite time for doing that which might be done in an hour, and to restrict him to three weeks' time for doing that which includes what he has an indefinite time for doing, and something else besides.

There is, however, another imperfection, as it appears to us, in this order. The defendant is empowered to move for the dismissal of the bill after the expiration of two months from the time that his answer is to be deemed sufficient. Now, under the 13th amended Order of 1828, the plaintiff is entitled, before filing replication, to one order as of course to amend his bill. The defendant may give his notice to dismiss, but the plaintiff, by obtaining an order to amend, and paying the costs of the motion, may deprive the defendant of the benefit of the 16th Order. (See 5 Sim. 553; 8 Id. 208). It is very easy to make colourable amendments, and to call for an answer to them, and thus, if delay or vexation be the plaintiff's object, to keep the suit afoot to the detriment of the defendant. Why might not the order to amend in such cases be assimilated to the order for a second amendment after answer and before replication, which cannot be obtained unless the court shall be satisfied by affidavit that the draft of the intended amendments has been settled, approved, and signed by counsel, and that such amendments are not intended to be made for the purpose of delay or vexation, but because the same are considered to be material to the plaintiff's case? See the 13th amended Order of 1828.

There is another point in which the 16th Order also appears to us to be defective. The bill is to be dismissed, unless the plaintiff, without filing replication, shall appear upon the motion, and undertake to hear the cause, as against the defendant moving, on bill and

\* See the course of proceeding to be followed in such a case, *Ames*, (5 Sim. 497).



answer; but no time is expressed within which the plaintiff is required to set down the cause for hearing; neither is the court, by the words of the Order, empowered to prescribe any time for the purpose. It may be said, that if the plaintiff did not set down the cause within a reasonable time, the defendant would be at liberty to do so; but this, it is submitted, the defendant is not empowered to do by any general rule of practice; and if he can do so at all, it must be by analogy to the rule which empowers him to set the cause down after publication has passed, upon the neglect of the plaintiff so to do. See 2 Dan. Ch. Pr. 604.

The 17th amended Order of 1828 provides, that where the plaintiff files a replication without having been served with a notice of motion to dismiss, he shall serve the subpoena to rejoin, and *in case he requires a commission to examine witnesses*, shall obtain and serve an order for such commission within three weeks from the filing of the replication, and such commission shall at the latest be returnable on the first return of the second term then following, and the plaintiff shall give his rules to produce &c. at the latest in the same term, and shall set down his cause for hearing, and duly serve the subpoena to have judgment returnable in the succeeding term; and if the plaintiff shall make default therein, then, upon application by the defendant upon notice of motion, the plaintiff's bill shall stand dismissed out of court with costs, unless the court shall make special order to the contrary &c. In this also, as in the 16th Order, the whole benefit of the alteration intended to be effected is taken away by the infelicitous manner in which it is worded. The necessity for the plaintiff's proceeding to take the several steps in the cause within the time prescribed by this Order, depends upon the question, whether or no he requires a commission to examine witnesses. If he does not require a commission, then he is (in the same manner as we have seen that he is under the 16th Order) remitted to the old practice. (See 6 Sim. 77; 8 Id. 19; 3 My. & C. 165).

There are parts of the 17th Order (by which also the mode of proceeding where an undertaking is given under the 16th Order is regulated) which almost baffle any attempt to put a construction upon them, and which call for observation. But we have already run into greater length than we intended. Enough, we hope, has been said to prove, that these Orders have not brought about that desirable remedy, to effect which they were framed. Amongst the many improvements in practice introduced by Lord Cottenham's Orders, it is to be regretted that this important branch of the practice, which now partly depends upon the 16th and 17th Orders of 1828, and partly upon the old system, did not undergo revision; and it is to be hoped, that, amongst the changes and emendations now under consideration, this point will not escape the attention of, and (what is more important) that it will be effectually provided for by, the eminent persons who have taken upon themselves the task of working out *animi capitisque labore*, "Reform in Chancery."

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—Charles Edward Prichard, of Stourport, Worcestershire; Joseph Richardson, of Burton-upon-Trent, Staffordshire; John Rowland Taylor, of Bristol.

**MEMBERS RETURNED TO SERVE IN PARLIAMENT.**—George Alexander Hamilton, Esq., for the University of Dublin, in the room of Joseph Devonaher Jackson, Esq., who has accepted the office of one of the Puisne Judges of the Court of Common Pleas in Ireland.—Sir Samuel Thomas Spry, Knt., for the Borough of Bodmin, in the room of the Hon. Charles Crespigny Vivian, now Lord Vivian.

## Imperial Parliament.

### HOUSE OF LORDS.

Monday, Feb. 13.

Lord Brougham laid on the table a Bill for the better effecting Compositions between Debtors and Creditors.

On the suggestion of the *Lord Chancellor*, it was referred, with the other two bills already on the table on the same subject, to the same committee.

Lord Campbell moved for a committee of inquiry into the state of the law of libel. His Lordship called the attention of the House to the principal defects of the existing law of libel,—its vagueness and uncertainty—the distinction which it takes between libellous matter spoken, and the same when written,—the still more important defect arising from the distinction between proceedings of a criminal nature and proceedings of a civil nature against libel. His Lordship pointed out with many forcible illustrations the mischief of being unable to bring before the jury, when the proceedings are by indictment, the truth of the libel as in justification or in mitigation of the punishment. His Lordship also adverted to the rule, or supposed rule, that all the proprietors of a public paper were liable for libellous matter contained in it, whether they had or not sanctioned its publication. Lastly, he alluded to the uncertainty in the extent of punishment for libel, and the absence of all gradations in punishment proportionate to undoubted gradations of guilt; and his Lordship concluded an able exposé of the defects of the present law, by moving for a select committee.

After a few words from Lord Brougham, the *Lord Chancellor*, and Lord Denman, all concurring in the propriety of an inquiry, the motion was agreed to.

Lord Langdale moved the second reading of a Bill for consolidating and amending several of the Laws relating to Attornies and Solicitors.

### LIST OF SHERIFFS, AND THEIR UNDER-SHERIFFS AND DEPUTIES, FOR 1843.

- Bedfordshire**—William Sutcliffe, Esq., Great Broomingham.  
*Undersh.*, Edward Chilwell Williamson, Esq., Luton.  
*Depts.*, Mardon & Prichard, 67, Newgate-street.
- Berkshire**—Sir R. G. Throckmorton, Bart., Buckland House.  
*Undersh.*, Crowdy & Son, Farringdon.  
*Depts.*, White & Eyre, 11, Bedford-row.
- Berwick-upon-Tweed**—William Murray, Esq., Marshall Meadows, Berwick.  
*Undersh.*, William Willoby, Esq., Berwick.  
*Dep.*, Joseph W. Bromley, 1, South-se., Gray's-inn.
- Bristol (City of)**—Jeremiah Hill, Esq., Bristol.  
*Undersh.*, William Ody Hare, Esq., Bristol.  
*Depts.*, Bridges & Mason, 23, Red Lion-square.
- Buckinghamshire**—James Trevor Senior, Esq., Broughton House, Aylesbury.  
*Undersh.*, James James, Esq., Aylesbury.  
*Dep.*, William Meyrick, 4, Furnival's-inn, Holborn.
- Camb. & Hunts.**—Edward H. Greene, Esq., Hinxton.  
*Undersh.*, George Joseph Twiss, Esq., Cambridge.  
*Depts.*, Jones, Trinder, & Tudway, 1, John-street, Bedford-row.
- Canterbury (City of)**—Thomas Wilkinson, Esq., Canterbury.  
*Undersh.*, Thomas Wilkinson, Esq., Canterbury.  
*Depts.*, Thos. Kirk, 10, Symond's-inn, Chancery-lane.
- Cheshire**—John Dixon, Esq., Astle.  
*Undersh.*, { George Reade, Esq., Congleton.  
                   { J. B. Hostage, Esq., Chester, Act. Un.  
*Dep.*, Geo. F. Hudson, 23, Bucklersbury, Cheapside.
- Chester (City of)**—Thomas Husley, Esq., Chester.  
*Undersh.*, John Finchett Maddock, Esq., Chester.  
*Depts.*, Philpot & Son, 3, Southampton-st., Blooms-bury.
- Cinque Ports**—His Grace the Duke of Wellington.  
*Undersh.*, Thomas Pain, Esq., Dover.  
*Depts.*, Waterman, Wright, & Kingsford, 23, Essex-street, Strand.
- Cornwall**—Wm. Marshall, Esq., Treworkey, near Liskeard.  
*Undersh.*, T. Collins, Esq., St. Columb, Cornwall.  
*Depts.*, Coode & Browne, 28, Bedford-row.

**Oswestry (City of)**—Act 5 & 6 Vict. c. 110, s. 10, abolished the office of Sheriff for this City, and Warrants are now granted by the Sheriff of *Warwickshire*.

**Cumberland**—Robert Hodgson, Esq., Salkeld Hall.  
*Undersh.*, John James, Esq., Penrith.  
*Depts.*, Rutter & Trotter, 4, Ely-place.

**Derbyshire**—William Munday, Esq., Markeaton.  
*Undersh.*, James Blythe Simpson, Esq., Derby.  
*Depts.*, Wm. G. Taylor, 14, John-st., Bedford-row.

**Devonshire**—William John Clarke, Esq., Buckland.  
*Undersh.*, Charles Brutton, Esq., Exeter.  
*Depts.*, John Clipperton, 17, Bedford-row.

**Derbyshire**—James Charles Dale, Esq., Glanvilles Wootton.  
*Undersh.*, T. Dashwood, Esq., Sturminster Newton.  
*Depts.*, William Dean, 102, Guilford-street.

**Durham**—Edward Shippersden, Esq., Durham.  
*Undersh.*, William Emerson Wooler, Esq., Durham.  
*Depts.*, H. M. Vane, 12, Carlton-chambers, Regent-st.

**Essex**—Henry John Conyers, Esq., Capt Hall, Epping.  
*Undersh.*, Richard Bullock Andrews, Esq., Epping.  
*Depts.*, Thos. Wright Nelson, 1, New-court, Temple.

**Exeter (City of)**—William Hooper, Esq., Exeter.  
*Undersh.*, Samuel Hobson Warren, Exeter.  
*Depts.*, Clowes & Wedlake, 10, King's Bench-walk, Temple.

**Gloucestershire**—Robert S. Holford, Esq., Weston Bird.  
*Undersh.*, John Barrup, Esq., Gloucester.  
*Depts.*, White & Eyre, 11, Bedford-row.

**Gloucester (City of)**—Edwin Pollard, Esq., Gloucester.  
*Undersh.*, Thomas Bailey, Esq., Gloucester.  
*Depts.*, Poole & Gamlen, 3, Gray's-inn-square.

**Hampshire**—Wm. Hughes Hughes, Esq., Isle of Wight.  
*Undersh.*, Woodham & Seagrim, Winchester.  
*Depts.*, Hicks & Braikenridge, 16, Bartlett's-bdgs., Holborn.

**Herefordshire**—Sir E. F. S. Stanhope, Bart., Holme Lacy.  
*Undersh.*, Lane & Underwood, Hereford.  
*Depts.*, Wimburn & Collett, 62, Chancery-lane.

**Hertfordshire**—Chas. J. Dimasdale, Esq., Essendon House.  
*Undersh.*, Longmore & Swarder, Hertford.  
*Depts.*, Hawkins, Bloxam, & Stocker, 2, New Boswell-court.

**Huntingdon & Camb.**—Edward H. Greene, Esq., Hinxton.  
*Undersh.*, George Joseph Twiss, Esq., Cambridge.  
*Depts.*, Jones, Trinder, & Tudway, 1, John-st., Bedford-row.

**Kent**—Frederick Perkins, Esq., Chipstead Place.  
*Undersh.*, Wm. H. Palmer, Esq., 24, Bedford-row.  
*Depts.*, Palmer, France, & Palmer, 24, Bedford-row.

**Kingston-upon-Hull**—William E. Jalland, Esq., Kingston-upon-Hull.  
*Undersh.*, Wm. E. Stead, Esq., Kingston-upon-Hull.  
*Depts.*, Butterfield & France, 5, Gray's-inn-square.

**Lancashire**—William Garnett, Esq., Lark Hill.  
*Undersh.*, { Thomas Carson, Esq., Liverpool.  
 Rawstorne & Wilson, Preston, Act. U.  
*Depts.*, James Brady, 1, Staple-inn, Holborn.

**Leicestershire**—Sir W. W. Dixie, Bart., Bosworth Park.  
*Undersh.*, William Freer, Esq., Leicester.  
*Depts.*, Austen & Hobson, 4, Raymond-buildings.

**Lincolnshire**—George Hussey Packe, Esq., Claythorpe.  
*Undersh.*, { Maurice Peter Moore, Esq., Sleaford.  
 Henry Williams, Esq., Lincoln, A. U.  
*Depts.*, No Agent appointed as yet.

**Lincoln (City of)**—Frederick Alban Sayles, Esq., Lincoln.  
*Undersh.*, Richard Mason, Esq., Lincoln.  
*Depts.*, Willis, Bower, & Willis, 6, Tokenhouse-yd.

**Litchfield (City of)**—Joseph Hawkins, Esq., Litchfield.  
*Undersh.*, Edward Bond, Esq., Litchfield.  
*Depts.*, Geo. H. Taylor, 5, Nicholas-lane, Lombard-street.

**London (City of)**. } John Kinnerley Hooper, Esq.  
**Middlesex** ..... } Jeremiah Pilcher, Esq.  
*Undersh.*, { Benj. Hardwick, Esq., 14, Cateaton-st.  
 W. H. Pilcher, Esq., 18, New Broad-st.  
*Depts.*, { *Secondaries' Office*, Basinghall-street.  
 Borchell, 24, Red Lion-square.

**Monmouthshire**—Sir Digby Mackworth, Bart., Glen Usk.  
*Undersh.*, Alexander Waddington, Esq., Usk.  
*Depts.*, White & Eyre, 11, Bedford-row.

**Newcastle-upon-Tyne**—Joseph Hawks, Esq., Newcastle-upon-Tyne.  
*Undersh.*, Thomas Carr, Esq., Newcastle-upon-Tyne.  
*Depts.*, Bell, Broderick, & Bell, 9, Bow Church-yard, Cheapside.

**Norfolk**—William George T. D. Tyssen, Esq., Foulden.  
*Undersh.*, { C. Cheaton, Esq., Winchester-buildings,  
 City.  
 Adam Taylor & Sons, Norwich, A. U.  
*Depts.*, Sharpe, Field, & Jackson, 41, Bedford-row.

**Norwich (City of)**—William Freeman, Esq., Norwich.  
*Undersh.*, Arthur Dalrymple, Esq., Norwich.  
*Depts.*, F. T. Bircham, 15, Bedford-row.

**Northamptonshire**—Sir Arthur Broke de Capell Broke, Bart., Great Oakley.  
*Undersh.*, { H. Lamb, Esq., Kettering.  
 Chris. Markham, Esq., Northampton,  
 Act. Un.  
*Depts.*, W. T. Clarke, 30, Gt. James-st., Bedford-row.

**Northumberland**—Thos. Anderson, Esq., Little Harle Tower.  
*Undersh.*, J. Anderson, Esq., Newcastle-upon-Tyne.  
*Depts.*, Rutter & Trotter, 4, Ely-place.

**Nottinghamshire**—Sir Arthur Broke de Capell Broke, Bart., Great Oakley.  
*Undersh.*, { Robert Leeson, Esq., Nottingham.  
 John Brewster, Esq., Nottingham,  
 Act. Un.  
*Depts.*, Taylor & Collisson, 28, Great James-street, Bedford-row.

**Nottingham (Town of)**—J. Reckless, Esq., Nottingham.  
*Undersh.*, Christopher Swann, Esq., Nottingham.  
*Depts.*, Holme, Loftus, & Young, 10, New Inn.

**Oxfordshire**—W. H. Vanderstegen, Esq., Cane End House.  
*Undersh.*, S. Cooper, Esq., Henley-upon-Thames.  
*Depts.*, Chas. Berkeley, 52, Lincoln's-inn-fields.

**Poole (Town of)**—Michael Carroll, Esq., Poole.  
*Undersh.*, H. M. Aldridge, Esq., Poole.  
*Depts.*, Cuvelje, Skilbeck, & Hall, 19, Southampton-buildings.

**Rutlandshire**—George Fluyster, Esq., Ayton.  
*Undersh.*, Chas. Hall, Esq., Uppingham.  
*Depts.*, Alban & Benbow, 1, Stone-buildings, Lincoln's-inn.

**Shropshire**—Sir A. V. Corbet, Bart., Acton Reynald.  
*Undersh.*, { G. Pritchard, Esq., Broseley.  
 J. J. Peele, Esq., Shrewsbury, A. U.  
*Depts.*, E. S. Bigg, 38, Southampton-buildings.

**Somersetshire**—The Hon. P. P. Bouverie, Brymors.  
*Undersh.*, Edward Coles, Esq., Taunton.  
*Depts.*, W. & E. Dyne, 61, Lincoln's-inn-fields.

**Southampton (Town of)**—H. Fricker, Esq., Southampton.  
*Undersh.*, R. Blanchard, Esq., Southampton.  
*Depts.*, Davies & Son, 21, Warwick-st., Regent-st.

**Staffordshire**—J. S. Manley, Esq., Manley Hall.  
*Undersh.*, Keen & Hand, Stafford.  
*Depts.*, White & Eyre, 11, Bedford-row.

**Suffolk**—William Long, Esq., Saxmundham.  
*Undersh.*, { J. Crabtree, Esq., Halesworth.  
 J. Greene, Esq., Bury St. Edmunds,  
 A. Un.  
*Depts.*, Walter & Pemberton, 4, Symond's-inn, Chancery-lane.

**Surrey**—R. Sumner, Esq., Pattenham Priory, near Guildford.  
*Undersh.*, Charles Thelwall Abbott, Esq., New-inn.  
*Depts.*, Abbott, Jenkins, & Abbott, 8, New-inn.

**Sussex**—Musgrave Briscoe, Esq., Coghurst.  
*Undersh.*, Thomas Baker Baker, Esq., Hastings.  
*Depts.*, Palmer, France, & Palmer, 24, Bedford-row.

**Warwickshire**—Arthur Francis Gregory, Esq., Stivichall.  
*Undersh.*, Thomas Heath, Esq., Warwick.  
*Depts.*, Thos. R. Ensor, 14, South-square, Gray's-inn.

**Westmoreland**—The Right Hon. the Earl of Thanet.  
*Undersh.*, John Heelis, jun., Esq., Appleby.  
*Depts.*, George Mounsey Gray, 9, Staple-inn.

**Wiltshire**—Henry Stephen Olivier, Esq., Potterne.  
*Undersh.*, West Awdry, Esq., Chippenham.  
*Depts.*, Hillier & Lewis, 6, Raymond-bdgs. Gray's-inn.

**Worcestershire**—William Robins, Esq., Hagley.  
*Undersh.*, { William Hunt, jun., Esq., Stourbridge.  
 Gillam & Son, Worcester, Act. Und.  
*Depts.*, Cuvelje, Skilbeck, & Hall, 19, Southampton-buildings.

**Worcester (City of)**—William Lewis, Esq., Worcester.  
*Undersh.*, Charles Bedford, Esq., Worcester.  
*Dep.*, Henry Bedford, 4, Gray's-inn-square.  
**Yorkshire**—Sir Joseph William Copley, Bart., Sprotborough.  
*Undershs.*, { Frederick Fisher, Esq., Doncaster.  
 { Wm. Gray, jun., Esq., York, Act. Und.  
*Dep.*, Bell, Broderick, & Bell, 9, Bow Church-yard, Cheapside.  
**York (City of)**—Richard Nicholson, Esq., York.  
*Undersh.*, Henry Richardson, Esq., York.  
*Dep.*, Capes & Stuart, 1, Field-court, Gray's-inn.

## NORTH WALES.

**Anglesea**—Owen Roberts, Esq., Tynnewydd.  
*Undersh.*, O. Owen, Esq., Gadlys, near Beaumaris.  
*Dep.*, Capes & Stuart, 1, Field-court, Gray's-inn.  
**Carnarvonshire**—David Jones, Esq., Bodfan.  
*Undersh.*, William Jones, Esq., Glanbeuno, near Carnarvon.  
*Dep.*, William Jones, 11, Parliament-street.  
**Denbighshire**—John Townsend, Esq., Trevallyn.  
*Undersh.*, Rich. Williams, Esq., Vale, St. Denbigh.  
*Dep.*, Tooke & Son, 39, Bedford-row.  
**Flintshire**—Sir P. Mostyn, Bart., Talacre.  
*Undersh.*, Samuel Williamson, Esq., Holywell.  
*Dep.*, Williamson & Hill, Verulam-bgs., Gray's-inn.  
**Merionethshire**—O. J. E. Nanney, Esq., Cefnduddwr.  
*Undersh.*, Williams & Breese, Portmadoc.  
*Dep.*, R. V. W. Williams, 3, Paper-bdgs., Temple.  
**Montgomeryshire**—Sir J. Conroy, Bart., Plasypennant.  
*Undersh.*, W. W. Jones, Esq., Machynlleth.  
*Dep.*, Bicknell, Roberts, & Co., 57, Lincoln's-inn-fields.

## SOUTH WALES.

**Breconshire**—Walter Maybery, Esq., Brecon.  
*Undersh.*, Henry Maybery, Esq., Brecon.  
*Dep.*, Gregory & Son, 12, Clement's-inn.  
**Cardiganshire**—Francis Thomas Gibb, Esq., Hendrefelen.  
*Undersh.*, Parry & Atwood, Aberystwyth.  
*Dep.*, M'Gregor & Gabriel, 22, Lincoln's-inn-fields.  
**Carmarthen (Borough of)**—John Williams, Esq., Carmarthen.  
*Undersh.*, Lewis Morris, Esq., Carmarthen.  
*Dep.*, Inquire of Chilton & Acland, 7, Chancery-lane.  
**Carmarthenshire**—Not yet appointed.  
*Dep.*, Inquire of Chilton & Acland, 7, Chancery-lane.  
**Glamorganshire**—John Homfray, Esq., Llandaff House.  
*Undersh.*, John Gwyn Jeffreys, Esq., Swansea.  
*Dep.*, Holme, Loftus, & Young, 10, New-inn.  
**Pembrokeshire**—George Lort Phillips, Esq., Dumdledale.  
*Undersh.*, Thomas Gwynne, Esq., Haverfordwest.  
*Dep.*, George Carew, 9, Lincoln's-inn-fields.  
**Radnorshire**—Edward David Thomas, Esq., Wellfield House.  
*Undersh.*, { D. & E. Thomas, Brecon.  
 { Richard Banks, Esq., Kington, Act. Un.  
*Dep.*, Henry Hammond, 16, Furnival's-inn.

\* \* Warrants are granted in Town for all places except Berwick-upon-Tweed, Canterbury, Cinque Ports, Durham, Exeter, Gloucestershire, Kingston-upon-Hull, Lancashire, Lincoln City, Norwich, Southampton, York City, and the Welsh Counties.

## CIRCUITS OF THE COMMISSIONERS FOR THE RELIEF OF INSOLVENT DEBTORS.

## SUMMER CIRCUITS, 1843.

## SOUTHERN CIRCUIT.

H. R. REYNOLDS, Esq., Chief Commissioner.

**Berkshire**, at Reading, Friday, June 23.  
**Oxfordshire**, at Oxford and City, Monday, June 26.  
**Worcestershire**, at Worcester and City, Wednesday, June 28.  
**Herefordshire**, at Hereford, Friday, June 30.  
**Radnorshire**, at Presteigne, Monday, July 3.  
**Breconshire**, at Brecon, Wednesday, July 5.  
**Carmarthenshire**, at Carmarthen and Borough, Friday, July 7.  
**Cardiganshire**, at Cardigan, Monday, July 10.  
**Pembrokeshire**, at Haverfordwest and Town, Wednesday, July 12.

**Glamorganshire**, at Swansea, Friday, July 14.  
**Glamorganshire**, at Cardiff, Monday, July 17.  
**Monmouthshire**, at Monmouth, Wednesday, July 19.  
**Gloucestershire**, at Gloucester and City, Friday, July 21.  
**Bristol**, (City and County), Tuesday, July 25.  
**Somersetshire**, at Bath, Friday, July 28.  
**Somersetshire**, at Taunton, Monday, July 31.  
**Cornwall**, at Bodmin, Friday, August 4.  
**Devonshire**, at Plymouth, Saturday, August 5.  
**Devonshire**, at Exeter, (City and County), Tuesday, August 8.  
**Dorsetshire**, at Dorchester, Friday, August 11.  
**Wiltshire**, at Salisbury, Monday, August 14.  
**Southampton**, (Town and County), Tuesday, August 15.  
**Southampton**, at Winchester, Wednesday, August 16.

## NORTHERN CIRCUIT.

J. G. HARRIS, Esq., Commissioner.

**Rutlandshire**, at Oakham, Saturday, June 10.  
**Yorkshire**, at Sheffield, Tuesday, June 13.  
**Yorkshire**, at Wakefield, Friday, June 16.  
**Kingston-upon-Hull**, (Town and County), Tuesday, June 27.  
**York**, (City and County), Thursday, June 29.  
**Yorkshire**, at York, Friday, June 30.  
**Yorkshire**, at Richmond, Monday, July 3.  
**Durham**, at Durham, Tuesday, July 4.  
**Northumberland**, (Town and County), Friday, July 7.  
**Cumberland**, at Carlisle, Tuesday, July 11.  
**Westmorland**, at Appleby, Thursday, July 13.  
**Westmorland**, at Kendal, Friday, July 14.  
**Lancashire**, at Lancaster, Monday, July 17.  
**Lancashire**, at Preston, Saturday, July 29.  
**Lancashire**, at Liverpool, Monday, July 31.  
**Cheshire**, (City and County), Thursday, August 3.  
**Montgomeryshire**, at Welch Pool, Monday, August 7.  
**Merionethshire**, at Dolgelly, Wednesday, August 9.  
**Carnarvonshire**, at Carnarvon, Friday, August 11.  
**Anglesey**, at Beaumaris, Monday, August 14.  
**Flintshire**, at Mold, Wednesday, August 16.  
**Denbighshire**, at Ruthin, Thursday, August 17.

## MIDLAND CIRCUIT.

W. J. LAW, Esq., Commissioner.

**Essex**, at Chelmsford, Friday, July 7.  
**Essex**, at Colchester, Saturday, July 8.  
**Suffolk**, at Ipswich, Monday, July 10.  
**Norfolk**, at Yarmouth, Wednesday, July 12.  
**Norfolk**, Norwich, (City and County), Thursday, July 13.  
**Norfolk**, at Lynn, Monday, July 17.  
**Suffolk**, at Bury St. Edmunds, Wednesday, July 19.  
**Cambridgeshire**, at Cambridge, Thursday, July 20.  
**Huntingdonshire**, at Huntingdon, Friday, July 21.  
**Northamptonshire**, at Peterborough, Saturday, July 22.  
**Northamptonshire**, at Northampton, Monday, July 24.  
**Warwickshire**, at Warwick, Wednesday, July 26.  
**Warwickshire**, at Coventry, Saturday, July 29.  
**Leicestershire**, at Leicester, Monday, July 31.  
**Lincoln**, (City and County), Wednesday, August 2.  
**Nottingham**, (Town and County), Friday, August 4.  
**Derbyshire**, at Derby, Monday, August 7.  
**Lichfield**, (County and City), Tuesday, August 8.  
**Shropshire**, at Shrewsbury, Wednesday, August 9.  
**Staffordshire**, at Stafford, Friday, August 11.  
**Shropshire**, at Oldbury, Monday, August 14.  
**Warwickshire**, at Birmingham, Tuesday, August 16.  
**Bedfordshire**, at Bedford, Friday, August 18.  
**Buckinghamshire**, at Aylesbury, Saturday, August 19.

## HOME CIRCUIT.

D. POLLOCK, Esq., Commissioner.

**Kent**, at Dover, Monday, July 3.  
**Canterbury**, (City and County), Tuesday, July 4.  
**Kent**, at Maidstone, Wednesday, July 5.  
**Sussex**, at Horsham, Friday, July 21.  
**Hertfordshire**, at Hertford, Saturday, August 5.

## London Gazette.

TUESDAY, FEBRUARY 14.

## BANKRUPTS.

**DANIEL BUTTON**, Albion-place, Battle-bridge, St. Mary, Islington, pawnbroker, Feb. 21 and March 31 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Pain & Hatherly, 5, Great Marlborough-st.—Fiat dated Feb. 13.

**HENRY JAMES SMITH**, Globe-wharf, Surrey-canal, Old Kent-road, coal merchant, March 2 at 2, and March 28 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Jordeson, St. Mary-at-Hill.—Fiat dated Jan. 31.

**HENRY MARKLEW**, Henley-upon-Thames, Oxfordshire, innkeeper, Feb. 27 at half-past 2, and March 28 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Dimmock & Co., Sime-lane.—Fiat dated Jan. 28.

**THOMAS NORRINGTON**, Writtle, Essex, wheelwright, Feb. 27 and March 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Treberne & Co., Leadhall-st.—Fiat dated Jan. 33.

**HENRY COOLEY and JAMES THOMSON**, Hastings, Sussex, and Willesborough, Kent, tea dealers and linen drapers, Feb. 27 at 3, and March 28 at half-past 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Dangerfield, Ashford, Kent; Dangerfield, 68, Chancery-lane.—Fiat dated Feb. 8.

**JOHN BROMWELL**, Northampton, builder, Feb. 21 at 12, and March 17 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Thompson, Northampton; Wrentmore, 19, Lincoln's-inn-fields.—Fiat dated Feb. 8.

**JOHN BECK GIBSON**, Northampton, linen draper and tea dealer, Feb. 21 at half-past 11, and March 17 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Thompson, Northampton; Wrentmore, 19, Lincoln's-inn-fields.—Fiat dated Feb. 13.

**GEORGE GREATLEY**, Hatton-garden, jeweller, Feb. 17 at half-past 1, and March 10 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Miller, jun., Abchurch-lane.—Fiat dated Feb. 8.

**ROBERT SLIMMON**, Victoria-place, Hoxton Old Town, linen draper, Feb. 22 at 3, and March 15 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Goddard, Wood-st., Cheapside.—Fiat dated Feb. 7.

**GEORGE FENDALL**, Woodstock-st., Middlesex, butcher, Feb. 24 at 11, and March 15 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Mirfin, Gray's-inn.—Fiat dated Feb. 11.

**THOMAS M'ENTEER**, Liverpool, provision merchant, March 1 at 12, and March 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Knapper & Woolwright, Liverpool; Armstrong, 8, Staple-inn.—Fiat dated Jan. 28.

**WILLIAM WARD HARVEY** the elder, and **WILLIAM WARD HARVEY** the younger, Mansfield, Nottingham, coach makers, March 2 at 1, and March 18 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Flower, Mansfield; Walter & Pemberton, Symond's-inn.—Fiat dated Feb. 7.

## MEETINGS.

*George Bishop*, St. Mary Axe, merchant, Feb. 27 at 11, Court of Bankruptcy, London, pr. d.—*Simon Davis*, Church-lane, Whitechapel, linen draper, Feb. 27 at 12, Court of Bankruptcy, London, last ex.—*David Brandon*, Beech-st., Barbican, London, and Newbury, Berkshire, shoe manufacturer, March 7 at 11, Court of Bankruptcy, London, last ex.—*Thos. Gooch*, Dalston-terrace West, near Kingsland-gate, and Whitechapel-road, timber merchant, Feb. 28 at half-past 1, Court of Bankruptcy, London, last ex.—*Thos. Feaver*, Ludgate-hill, mercer, Feb. 18 at 11, Court of Bankruptcy, London, last ex.—*Henry Hilton*, Over Darwen, Lancashire, bleacher, March 17 at 12, District Court of Bankruptcy, Manchester, last ex.—*Hugh White*, Topsham, Devonshire, builder, March 16 at half-past 12, District Court of Bankruptcy, Exeter, last ex.—*John North*, Mold-green, near Huddersfield, fancy cloth manufacturer, March 6 at 11, District Court of Bankruptcy, Leeds, last ex.—*Chas. Yandle and Geo. Field*, Beaumont-st., Marylebone, coach makers, March 9 at 1, Court of Bankruptcy,

cy, London, and. ac.—*Thomas Fielder*, Brewer-st., Somers-town, baker, March 9 at 12, Court of Bankruptcy, London, and. ac.—*James Barnes*, Jermyn-st., St. James's, lodging-house keeper, March 9 at half-past 12, Court of Bankruptcy, London, and. ac.—*Thomas Blason*, Ecton, Northamptonshire, innkeeper, March 9 at 1, Court of Bankruptcy, London, and. ac.—*Charles Knight and Peter Knight*, Ivy-lane, Newgate-st., salesmen, March 2 at 11, Court of Bankruptcy, London, and. ac.; March 10 at 1, fin. div.—*John Mason*, Lime-st.-sq., merchant, March 2 at 12, Court of Bankruptcy, London, and. ac.; March 10 at 2, div.—*Wm. Hitchcock*, Regent-st., linen draper, March 2 at 1, Court of Bankruptcy, London, and. ac.; March 7 at 11, div.—*Anthony Bull*, Bucklersbury, merchant, Feb. 18 at 1, Court of Bankruptcy, London, and. ac.—*George James Marshall and Wm. Chas. Hall*, Wood-st., Cheapside, woollen warehousemen, March 14 at 12, Court of Bankruptcy, London, and. ac.—*Saml. Boss*, Frith-st., Soho, tailor, March 7 at 12, Court of Bankruptcy, London, and. ac.—*D. Smith*, Bucklersbury, merchant, March 8 at half-past 11, Court of Bankruptcy, London, and. ac.—*George Savage*, Winchester, Hampshire, dealer in glass, March 8 at 11, Court of Bankruptcy, London, and. ac.—*Thos. Bignell*, Chatham, Kent, linen draper, March 8 at half-past 12, Court of Bankruptcy, London, and. ac.—*Robt. Pinkerton*, Mark-lane, merchant, March 8 at 12, Court of Bankruptcy, London, and. ac.—*Jos. Moore*, Pitfield-st., Hoxton, grocer, March 8 at 1, Court of Bankruptcy, London, and. ac.—*Chas. Huntsman*, High Holborn, chemist, March 9 at 11, Court of Bankruptcy, London, and. ac. and div.—*R. Loosemore*, Tiverton, Devonshire, scrivener, March 10 at 12, District Court of Bankruptcy, Exeter, and. ac.—*Wm. Hall*, Tredington, Worcestershire, and *R. Rainbow*, Stratford-upon-Avon, Warwickshire, corn merchants, March 11 at half-past 12, District Court of Bankruptcy, Birmingham, and. ac.; March 13 at 12, div.—*Joshua Allen*, Much Wymondley, Hertfordshire, dealer in cattle, March 9 at 12, Court of Bankruptcy, London, div.—*John Bryant*, King William-st., West Strand, bookseller, March 9 at half-past 11, Court of Bankruptcy, London, div.—*W. Smith and J. Smith*, Hatton-garden, and Edinburgh, cabinet makers, March 7 at half-past 12, Court of Bankruptcy, London, div.—*John Thos. Boor*, Lower Thames-st., eating-house keeper, March 9 at 11, Court of Bankruptcy, London, div.—*Henry Miles*, Southampton, woollen draper, March 7 at half-past 11, Court of Bankruptcy, London, div.—*Dan. H. Rucker, John A. Rucker*, and *Henry John Rucker*, Wormwood-st., and Mincing-lane, West India merchants, March 7 at half-past 1, Court of Bankruptcy, London, fin. div.—*Dani. Leary*, Parliament-st., Middlesex, surgeon, March 7 at 2, Court of Bankruptcy, London, div.—*William Starie*, Cutler-street, Houndsditch, carpenter, March 9 at half-past 1, Court of Bankruptcy, London, div.—*Robert Castley*, Friday-street, Cheapside, warehouseman, March 7 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Daniel*, jun., Bishop's Stortford, Hertfordshire, malt-factor, March 7 at 1, Court of Bankruptcy, London, div.—*Anthony Bull*, Bucklersbury, merchant, March 2 at half-past 1, Court of Bankruptcy, London, div.—*Rice Harris*, Birmingham, glass manufacturer, March 7 at 12, District Court of Bankruptcy, Birmingham, and. ac.; and March 10 at 12, div.—*Jas. Taylor and Jas. Butterworth*, Rochdale, Lancashire, painters, March 14 at 12, District Court of Bankruptcy, Manchester, and. ac.; and March 21 at 12, div.—*Wm. Mells and John Turley*, Manchester, tailors, March 9 at 2, District Court of Bankruptcy, Manchester, and. ac.; March 10 at 12, div.—*H. Pains*, Liverpool, master-mariner, March 9 at 11, District Court of Bankruptcy, Liverpool, div.—*James Wyatt*, Plymouth, upholsterer, March 16 at 12, District Court of Bankruptcy, Exeter, div.

## CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*Edmund Peter Powell*, Southampton, tailor, March 9 at 2, Court of Bankruptcy, London.—*W. Hoad*, Wickham, Southampton, grocer, March 11 at 1, Court of Bankruptcy, London.—*Geo. Thomson*, Cratched-friars, corn-factor, March 11 at half-past 12, Court of Bankruptcy, London.—*Wm. Whapshott*, Crosby-row, King-st., Southwark, engineer, March 9 at 12, Court of Bankruptcy, London.—*C. Wilson*, Wickhambrook, Suffolk, innkeeper, March 9 at 1, Court of Bankruptcy, London.—*David Morgan*, Rhosmaen, Llandillofaur, Carmarthenshire, tanner, March 9 at half-past 12, Court of Bankruptcy, London.—*John Lockwood*, Lepton, Kirkheaton, Yorkshire,

manufacturer of fancy waistcoating, March 6 at 12, District Court of Bankruptcy, Leeds.—*D. Davies*, jun., Glanchwedg, Llanidloes, flannel manufacturer, March 14 at 12, District Court of Bankruptcy, Liverpool.—*David Bolton*, Kingston-upon-Hull, corn-merchant, March 9 at 12, District Court of Bankruptcy, Leeds.—*Wm. Fox*, Gwersyllt, Gresford, Denbighshire, iron-master, March 9 at 12, District Court of Bankruptcy, Liverpool.—*Robt. Smart*, Flax Bourton, Somersetshire, common brewer, March 8 at 11, District Court of Bankruptcy, Bristol.—*Ed. Bussey*, Sheffield, Yorkshire, broker, March 20 at 12, District Court of Bankruptcy, Leeds.—*Hen. Pitt*, Selby, Yorkshire, wine-merchant, March 9 at 11, District Court of Bankruptcy, Leeds.—*Geo. B. Orchard*, Bath, upholsterer, March 16 at 11, District Court of Bankruptcy, Bristol.—*Hen. Rogers*, Dartmouth, Devonshire, wine-merchant, March 10 at 1, District Court of Bankruptcy, Exeter.—*John Jones*, Liverpool, and Llandulas, Denbighshire, limestone dealer, March 9 at 11, District Court of Bankruptcy, Liverpool.—*Jos. Baker* and *Ed. Swinburne*, Birmingham, timber-merchants, March 4 at 11, District Court of Bankruptcy, Birmingham.—*Chas. Allen*, Walsall, Staffordshire, saddler, Feb. 9 at 1, District Court of Bankruptcy, Birmingham.—*C. Lundy*, Kingston-upon-Hull, straw-hat manufacturer, March 9 at 11, District Court of Bankruptcy, Leeds.—*John Webb*, Birmingham, tailor, March 11 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Hall*, Tredington, Worcestershire, and *Robt. Rainbow*, Stratford-upon-Avon, Warwickshire, corn merchants, March 11 at half-past 12, District Court of Bankruptcy, Birmingham.—*Rice Harris*, Birmingham, glass manufacturer, March 7 at 12, District Court of Bankruptcy, Birmingham.—*Geo. Bradshaw*, Welshpool, Montgomeryshire, draper, March 8 at 1, District Court of Bankruptcy, Liverpool.—*John Thompson*, Blackburn, Lancashire, power-loom cloth manufacturer, March 17 at 12, District Court of Bankruptcy, Manchester.—*John Buckley*, Manchester, dealer in cotton twist, March 17 at 12, District Court of Bankruptcy, Manchester.—*John Ashe*, jun., Stockport, Cheshire, cotton-spinner, March 14 at 1, District Court of Bankruptcy, Manchester.—*Hen. T. Smith*, York, draper, March 7, Court of Bankruptcy, London.—*John Thomas Ring*, Crimscoot-street, Bermondsey, Surrey, carpenter, March 7, Court of Bankruptcy, London.—*Wm. Houldsworth*, Egremont, Liscard, Cheshire, and Liverpool, common brewer, March 7, Court of Bankruptcy, London.—*Richard Palliser*, Moorgate-st., London, saddler, March 7, Court of Bankruptcy, London.—*Thos. Rensay*, Liverpool, oil-cloth manufacturer, March 7, Court of Bankruptcy, London.—*John H. Chatterton*, Nottingham, milliner, March 7, Court of Bankruptcy, London.—*Richd. Greenwood*, Dewsbury, Yorkshire, linen-draper, March 7, Court of Bankruptcy, London.—*Roger Haslam*, Little Bolton, Lancashire, cotton-spinner, March 7, Court of Bankruptcy, London.—*Jos. Hamilton* and *Wm. H. Hamilton*, Manchester, calico-printers, March 7, Court of Bankruptcy, London.—*Hen. Harwood*, Beverley, Yorkshire, woollen-draper, March 7, Court of Bankruptcy, London.—*Thos. Holyland*, Manchester, woollen-cloth manufacturer, March 7, Court of Bankruptcy, London.—*M. Pellett*, Arundel, Sussex, miller, March 7, Court of Bankruptcy, London.—*D. B. Fiss*, Nottingham, tailor, March 7, Court of Bankruptcy, London.—*C. Knight* and *P. Knight*, Ivy-lane, Newgate-market, salesmen, March 7, Court of Bankruptcy, London.—*Geo. Hutton*, Liverpool, ship-chandler, March 7, Court of Bankruptcy, London.—*Thos. Robinson*, Leadenhall-street, tallow-merchant, March 7, Court of Bankruptcy, London.—*John Sorby*, Sheffield, Yorkshire, steel manufacturer, March 7, Court of Bankruptcy, London.—*Richard R. Urry*, East Retford, Nottinghamshire, coachmaker, March 7, Court of Bankruptcy, London.—*John Dean*, Habergham Eaves, Lancashire, cotton-spinner, March 7, Court of Bankruptcy, London.—*Saml. B. Lines*, Oldbury, Hales Owen, Shropshire, grocer, March 7, Court of Bankruptcy, London.—*Wm. Dedman*, Bryanstone-street, Portman-square, grocer, March 7, Court of Bankruptcy, London.

#### PARTNERSHIPS DISSOLVED.

*Wm. Harrison* and *Lewis Robert Bellamy*, South-square, Gray's-inn, attorneys and solicitors.—*Rob. Medland* and *John Francis*, Crediton, Devonshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Smith*, Inverness, founder.—*Mich. Bogle*, dec., Glasgow, house painter.—*Thos. Laurie* and Co., Glasgow, china

merchants.—*Smith and Thomson*, Barrhead, calico printers.—*Wm. McChesney*, Kilmarnock, saddler.—*Angus McCulloch* and Co., Port Glasgow, merchants.

#### INSOLVENT DEBTORS.

Saturday, Feb. 11.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Jas. Hemus*, Birmingham, butcher, No. 58,223 C.; *Chas. Wigley*, assignee.—*John Thomas*, Carmarthen, printer, No. 59,990 C.; *Rich. Edw. Jones*, assignee.—*William Hodder*, Brook, Bramshaw, Hampshire, labourer, No. 60,570 C.; *Edw. Mears*, assignee.—*Jas. Durrant*, West-lane, Walworth, Surrey, farmer, No. 2108 T.; *Rupert Wigan*, new assignee, in the room of *Jas. Evans*, removed.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, March 7 at 9.*

*Thos. Dolby*, Grove-street, Camden-town, author.—*Henry Hancock*, High-street, Shadwell, coffee-house keeper.—*James Manwaring*, Edger-terrace, Tunbridge-walls, Kent, general shopkeeper.—*James Lake Langley*, Church-street, Minorities, tailor.—*Fred. P. Crane*, Gloucester-street, Cambridge-heath, Hackney, clerk to post books.—*John Poulter*, Queen-street, Bermondsey, Surrey, labourer.—*Wm. B. Jones*, Little Queen-street, Holborn, surgeon dentist.—*Chas. Sheill*, Arundel-st., Panton-square, Haymarket, tailor.—*Sam. Parker*, North-st., Edgeware-road, brick maker.—*John S. Hampton*, Strand, bread and biscuit baker.

March 9, at the same hour and place.

*Thos. Earnshaw*, jun., Fenchurch-street, watch maker.—*Steph. W. Pugh*, Kinnerton-place, South Kinnerton-street, Knightsbridge, out of employ.—*Chas. Colton*, Birchin-lane, Cornhill, wine merchant.—*Wm. A. Bartlett*, Francis-terr., Hampstead-road, hair dresser.—*Maria Johnston*, widow, Alfred-place, Newington-causeway, sempstress.—*Alex. Geddes*, Globe-terrace, Devonshire-st., Mile-end, tailor.—*S. Jenkins*, Southville, Wandsworth-road, Surrey, tailor.—*Wm. Pursell*, Bird's-place, George-street, Camberwell, Surrey, milkman.—*Sam. Jay*, Great Portland-street, Oxford-street, out of business.—*Geo. Walker*, Albemarle-st., Clerkenwell, chaser.

Court-house, MAIDSTONE, Kent, March 8 at 10.

*Hen. G. Moore*, Gravesend, out of business.—*Jas. Banks*, Milton, Gravesend, builder.—*J. Clayton*, Sheerness, plumber.—*John Moon*, Greenwich, fishmonger.—*Thomas Browning*, Island-wall, Whitstable, near Canterbury, dredgerman.—*John Bellingham*, Sydenham, bailiff.—*Thos. Cork*, Rochester, superintendent of police.—*John Sweetner*, Sundridge, near Seven Oaks, carpenter.—*Edwin Pooley*, Maidstone, coal merchant.—*Peter Jas. Crosby*, Denton, near Gravesend, tavern keeper.—*James Worger*, Willesborough, near Ashford, victualler.—*Wm. Kennell*, Wye, near Ashford, out of business.—*Thomas Davis*, Darent, near Dartford, out of employment.—*John Harvey*, Richam's Farm, Wingham, out of business.

Court-house, BRECON, Brecknockshire, March 8 at 10.

*Wm. Price*, St. Mary's, St. John the Evangelist, Brecon, victualler.—*Wm. J. Allen*, Beaufort, Llangnander, out of business.—*J. Williams*, Cefyn, Llywell, out of business.

Court-house, LANCASTER, (County), March 8 at 10.

*John Woorall*, Manchester, cotton spinner.—*Thomas H. Lacom*, Hington, near Prescott, iron dealer.—*Eliz. Hiltirk*, Manchester, out of business.—*John Dodd*, Liverpool, out of business.—*Hen. F. Trotter*, Liverpool, out of employ.—*R. Pearson*, Blackburn, auctioneer.—*Robert Holt*, Rochdale, out of business.—*Maurice Ellis*, Liverpool, warehouseman.—*P. Warren*, Manchester, out of business.—*Henry W. Hayman*, Liverpool, merchant.—*Hugh Woods*, Preston, labourer.—*J. Barker*, Grimshaw-park, Blackburn, power-loom weaver.—*R. Thatcher*, Greenacre-moor, near Oldham, tailor.—*Jas. Pickford*, Manchester, joiner.—*J. Cownell*, Preston, auctioneer.

March 9, at the same hour and place.

*John Kean*, Manchester, shoe dealer.—*W. Sladim*, Ashton, out of business.—*Jos. Bridge*, Blackburn, out of business.—*John Blundell*, Kirkdale, labourer.—*Wm. Bogg*, jun., Eccles, near Manchester, grocer.—*Hen. Briscoe*, Liverpool, assistant to a linen draper.—*Wm. Eileen*, jun., Preston, grocer.—*John Watson*, Warrington, out of business.—*Jane Halton*, Black-



burn, out of business.—*W. Firth*, Skelmanthorpe, merchant.—*Jas. Hall*, Hulme-field, Manchester, warehouseman.—*Edw. Blackley*, Manchester, commission agent.—*Wm. Hemhorn*, Moor Cock, Butterworth, builder.—*James Rothwell*, Salford, near Liverpool, labourer.—*T. Tulbot*, Preston, provision-shop keeper.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Shillelt*, clerk in Chatham dock-yard, Stephens & Son's, Chatham: 7s. in the pound.—*Rev. Geo. H. Temple*, clerk, Roberts & Co., Lombard-street: 2s. in the pound (in addition to 9s.).

#### MEETINGS.

*T. Ellis*, Grantchester, Cambridgeshire, carpenter, March 3 at 12, Headly's, Cambridge, sp. aff.—*Geo. Day*, Woolavington, Somersetshire, limeburner, March 3 at 11, Reed & Deacon's, Bridgewater, sp. aff.

### FRIDAY, FEBRUARY 17.

#### BANKRUPTS.

**JUDAH DE JACOB PARIENTE**, Bury-street, St. Mary Axe, London, merchant, Feb. 25 at 1, and March 24 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Hill & Mathews, St. Mary Axe.—Fiat dated Jan. 30.

**THOMAS PATTON**, Swan-st., St. Mary, Newington, Surrey, iron founder, March 6 at half-past 1, and March 30 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Anderson, Cornhill.—Fiat dated Feb. 14.

**THOMAS FAWCETT**, Whipsnade, Bedfordshire, cattle dealer, Feb. 28 at 2, and March 30 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Dyne & Co., Lincoln's-inn-fields.—Fiat dated Feb. 15.

**JAMES PAINTER DAVIS**, Bromley, Kent, innkeeper, Feb. 28 at 12, and March 31 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Atkins, White Hart-court, Lombard-street.—Fiat dated Feb. 15.

**HENRY ZACHARIAH JERVIS**, Moorgate-street, London, money scrivener, Feb. 24 at 2, and March 29 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Kine, Gracechurch-street.—Fiat dated Jan. 14.

**JIREH TOWNE**, George-street, Spitalfields, chocolate manufacturer, March 4 at 2, and March 31 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Lawrance & Blankarne, 32, Bucklersbury.—Fiat dated Feb. 15.

**AARON GREGORY**, Dover, Kent, linen draper, March 7 at 1, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. H. W. & W. C. Sole, 68, Aldermanbury.—Fiat dated Feb. 10.

**JOHN PIGEON COTTRILL**, Worcester, grocer, Feb. 24 and March 21 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Arnold & Co., Birmingham; Jones & Son, Millman-place, Bedford-row.—Fiat dated Feb. 10.

**WILLIAM DUNN**, Barnstaple, Devonshire, currier and leather cutter, March 1 at half-past 12, and April 5 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Bencaust, Barnstaple; Mangham & Kennedy, Chancery-lane.—Fiat dated Feb. 6.

**JAMES WALTON**, Newcastle-upon-Tyne, saddler, March 6 and April 3 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ingledew, Newcastle-upon-Tyne; Williamson & Hill, Gray's-inn.—Fiat dated Feb. 4.

**WILLIAM ADAMSON**, Hexham, Northumberland, butcher and cattle dealer, March 6 and April 3 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Welford, Hexham; Fosters & Evans, 28, John-street, Bedford-row.—Fiat dated Jan. 27.

**JOHN LEWIS**, Farnhill, Shropshire, draper, grocer, and shopkeeper, March 1 and 2 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Harper & Jones, Whitchurch; Hodgson, Birmingham.—Fiat dated Feb. 15.

**JAMES SARTAIN**, Corsham, Wiltshire, sheep and cattle dealer, March 6 and April 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sol. Pinniger, Chippenham; Fluder, 1, Egremont-place, London.—Fiat dated Feb. 18.

#### MEETINGS.

*Den. W. Acraman*, *William Edw. Acraman*, *Alfred John*

*Acraman*, *William Morgan*, *Thos. Holroyd*, and *James N. Franklyn*, Bristol, ship builders, March 15 at 11, District Court of Bankruptcy, Bristol, pr. d.—*Isaac Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *John Davison*, Marten, Yorkshire, farmer, and Middlesbrough, earthenware manufacturer, March 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—*Jas. S. Eiffe*, Lombard-street, and South-crescent, Bedford-square, chronometer maker, Feb. 23 at half-past 10, Court of Bankruptcy, London, last ex.—*Jas. M. Frames*, Gosport, Southampton, grocer, March 2 at 11, Court of Bankruptcy, London, last ex.—*Charles O'Neil*, Newman-street, Oxford-street, picture dealer, Feb. 28 at 11, Court of Bankruptcy, London, last ex.—*Dodshon Blake*, Norwich, mohair manufacturer, March 10 at 11, Court of Bankruptcy, London, last ex.—*William Haviide*, Jerusalem Coffee-house, City of London, master mariner, March 13 at 1, Court of Bankruptcy, London, aud. ac.—*Edward Dubbins*, Brighton, plumber, March 13 at 1, Court of Bankruptcy, London, aud. ac.—*John Ward*, London, importer and dealer in foreign fruits, March 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Jas. S. Motttram*, Alrewas, Staffordshire, woolstapler, March 22 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Charles Henry Webb*, Forebridge, Staffordshire, corn dealer, March 10 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*George Boddington*, Warwick, coach-builder, March 14 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*William Carr*, South Shields, Durham, grocer, March 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Ed. Cerah*, Bristol, hosier, March 10 at half-past 1, Court of Bankruptcy, London, div.—*Alex. Fairbairn*, King's Arms-yard, Coleman-street, wine and beer-merchant, March 10 at 1, Court of Bankruptcy, London, fin. div.—*M. Matthews and J. Hopkins*, Rochester and Strood, Kent, coal-merchants, March 13 at half-past 11, Court of Bankruptcy, London, div.—*C. Schofield*, Kingston-upon-Thames, Surrey, coal-merchant, March 10 at 12, Court of Bankruptcy, London, div.—*C. Hart and Thos. Llewellyn*, Newgate-street, London, woollen warehousemen, March 10 at 11, Court of Bankruptcy, London, div.—*J. S. Motttram*, Alrewas, Staffordshire, woolstapler, March 23 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*Wm. Carr*, South Shields, Durham, grocer, March 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

#### CERTIFICATES

*To be allowed, unless Cause shown to the contrary.*

*James Palmer*, Lynn, Norfolk, draper, March 10 at 2, Court of Bankruptcy, London.—*Thos. Spence*, Maryland Point, Stratford, Essex, market-gardener, March 10 at half-past 2, Court of Bankruptcy, London.—*H. C. Carter*, Sussex-terrace, Hammersmith, carpenter, March 10 at half-past 11, Court of Bankruptcy, London.—*J. Appleton*, Walnut Tree-walk, Lambeth, corn-dealer, March 10 at half-past 12, Court of Bankruptcy, London.—*John Grist*, New Brentford, Middlesex, grocer, March 10 at 2, Court of Bankruptcy, London.—*Jas. Hodson*, Reading, Berkshire, druggist, March 10 at 1, Court of Bankruptcy, London.—*Wm. Hopper*, Great Queen-street, Lincoln's-inn-fields, carpet warehouseman, March 14 at 11, Court of Bankruptcy, London.—*Miles Coe*, Goldsmith-street, Wood-street, Cheapside, laceman, March 15 at 11, Court of Bankruptcy, London.—*Robt. Hentig*, Kingston-upon-Hull, merchant, March 11 at 11, District Court of Bankruptcy, Leeds.—*Wm. Smith*, Leeds, Yorkshire, dealer and chapman, March 11 at 1, District Court of Bankruptcy, Leeds.—*Saml. Brown*, Liverpool, millwright, March 10 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Hen. Cooper*, Manchester, Lancashire, and Monkton, near Belfast, Ireland, calico-printer, March 17 at 12, District Court of Bankruptcy, Manchester.—*John Pyefinch*, Shrewsbury, chemist, March 20 at half-past 11, District Court of Bankruptcy, Birmingham.—*John Smith*, Greenwood, Calverley-mills, Yorkshire, cloth manufacturer, March 11 at 12, District Court of Bankruptcy, Leeds.—*Wm. Webber*, Lincoln, tailor, March 10, Court of Bankruptcy, London.—*Wm. Munton*, Fletland-mills, Greatford, Lincolnshire, miller, March 10, Court of Bankruptcy, London.—*Walter Oliver*, Maidstone, Kent, upholsterer, March 10, Court of Bankruptcy, London.—*Fredk. Newcomb*, Newgate-market, London, carcase-butcher, and Thiberton-st., Islington, ham and beef-shop keeper, March 10, Court of Bankruptcy, London.—*J. Thos. Ring*, Crimscoot-street, Bermond-



sey, Surrey, carpenter, March 10, Court of Bankruptcy, London.—*John Edwards*, Shrewsbury, Shropshire, banker, March 10, Court of Bankruptcy, London.—*Wm. Pugh*, Bristol, cabinet-maker, March 10, Court of Bankruptcy, London.—*W. Walker*, Drury-lane, looking-glass manufacturer, March 10, Court of Bankruptcy, London.—*Saml. E. Weldon*, Cambridge, butcher, March 10, Court of Bankruptcy, London.—*Jos. Raleigh* and *Thos. S. Goode*, Manchester, merchants, March 10, Court of Bankruptcy, London.—*Joseph Lawless*, Manchester, commission-agent, March 10, Court of Bankruptcy, London.—*Thos. B. Fehr*, Dudley, Worcestershire, wine merchant, March 10, Court of Bankruptcy, London.—*Wm. Tomkinson*, Stoke-upon-Trent, Staffordshire, wine and spirit merchant, March 10, Court of Bankruptcy, London.—*Adolphe Laurier* and *Jos. Lock*, Wood-street, London, importers of foreign goods, March 10, Court of Bankruptcy, London.—*Richard Wilson*, Leeds, Yorkshire, flax-spinner, March 10, Court of Bankruptcy, London.—*Wm. Atherton*, Manchester, flint-glass manufacturer, March 10, Court of Bankruptcy, London.—*Anne Casacuberta*, Manchester, merchant, March 10, Court of Bankruptcy, London.—*Ed. Arthur*, Birmingham, coach-maker, March 10, Court of Bankruptcy, London.

#### PARTNERSHIP DISSOLVED.

*Henry M. Elderton* and *Robt. Phillott*, Clement's-lane, London, solicitors, attorneys, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*P. and W. Cadell & Co.*, Edinburgh, manufacturing chemists.—*G. Sutherland*, Glasgow, manufacturer.—*Duncan Cameron*, Pollock, Sunart, Argyllshire, grazier and cattle dealer.—*James Rankin*, Kilmarnock, upholsterer.—*A. Taylor*, Glasgow, grocer.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, March 10, at 9.

*Joel Parry*, Houghton-st., Newcastle-st., Strand, carpenter.—*Wm. Lewis*, Vere-st., Clare-market, musician.—*W. Lloyd*, Bennett's-hill, Upper Thames-st., milkman.—*James Plumb*, Woking-common, Woking, Surrey, railway inspector.—*John Thomas Wilkinson*, Grosvenor-place, Walworth, Surrey, attorney's clerk.—*David Roderick*, Union-st., Southwark-bridge-road, Surrey, coffee-house keeper.—*E. H. Day*, Charlotte-st., Portland-place, spinster.—*The Rev. Patrick O'Moore*, Croydon, Roman Catholic priest.—*P. Pritchard*, Goswell-st.-rd., assistant to a ham and beef-shop keeper.—*J. Goldie*, Limehouse, carpenter.

#### Adjourned.

*A. Cochrane*, Stanhope-st., Clare-market, out of business.

March 13, at the same hour and place.

*Richard Noble*, Waterloo-road, livery-stable keeper.—*G. F. T. Fowler*, Francis-place, Westminster, printer.—*George Taylor*, Asylum-road, Surrey, tailor.—*Geo. Henry Putney*, Church-row, Hare-st., Bethnal-green, cigar-box manufacturer.—*John Pritchard*, Sudbury, Middlesex, dealer in hay.—*Thomas Strathearn*, Albany-st., Regent's-park, hair-dresser.—*George East*, Colham-green, Hillingdon, labourer.—*J. Winch*, Sunbury, farmer.—*Henry C. Shield*, Boston-street, Dorset-sq., furniture-broker.—*Henry Gridley*, Fied-bull-yard, Bloomsbury, coach maker.

Court-house, LANCASTER, (County), March 10 at 10.

*Henry Chorley*, Eccleston, near Prescott, carter.—*Thomas Webster*, jun., Prescott, watch and chronometer movement maker.—*Richard Oliver*, Manchester, calico printer.—*Saml. Davenport*, Hulme, Manchester, engraver.—*Wm. Gouldsbrough*, Hulme, Manchester, out of business.—*Mary Steffos*, Salford, out of business.—*George Hadfield*, Holkinwood, near Oldham, manufacturing chemist.—*J. Roe*, Preston, mechanic.—*Robt. Lomas*, Manchester, warehouseman.—*Jas. Rigby*, Preston, butcher.—*Terence M'Clean*, Liverpool, licensed victualler.—*Adam Walker*, Liverpool, drysalter.—*Geo. Spence*, Pendleton, land steward.—*Saml. Reston*, Manchester, out of business.—*Geo. Cowen*, Manchester, out of business.—*Elias Hutchings*, Liverpool, merchant.—*James Cowburn*, Manchester, licensed victualler.—*Mark Davis*, Bolton-le-Moors, timber merchant.—*Holden Holden*, Oswaldtwistle, near Blackburn, assistant constable.—*T. Longton*, Lancaster, out of business.

March 11, at the same hour and place.

*George Kay*, Paisley-cross, Sutton, near St. Helens, inn-

keeper.—*Wm. Mercer*, Preston, publican.—*Joseph Lyon*, Eccleston, near Prescott, watch-movement maker.—*M. Stenden*, Clitheroe, out of business.—*Richard Roscroft*, Preston, labourer.—*Peter Kennedy*, Liverpool, livery-stable keeper.—*Edw. Oddy*, Rochdale, out of business.—*William Parter*, Clitheroe, stonemason.—*Wm. Brierley*, Manchester, out of business.—*Thomas Ellis*, Liverpool, labourer.—*A. Morgan*, Manchester, licensed hawk.—*Joseph Wood*, Liverpool, out of business.—*R. W. Lloyd*, Liverpool, out of business.—*Rich. Arrowsmith*, Burnley, shopman to a tailor.—*John Jones*, Liverpool, excavator.

March 13, at the same hour and place.

*Wm. Walker*, Liverpool, out of business.—*Thos. Johnson*, Walton-le-Dale, dealer in ale.—*James Heathcoate*, Middle Hutton, assistant to a coal dealer.—*James Knowles*, Heapey, near Chorley, farmer.—*John Ashton*, Staley-bridge, assistant to a ginger-beer manufacturer.—*James Thomasson*, Manchester, smallware manufacturer.—*John Arnold*, Ashton, near St. Helens, farm labourer.—*W. R. Gibson*, Manchester, attorney at law.—*Wm. Goodwin*, Manchester out of business.—*T. A. Phillips*, Manchester, printer.—*James Fazakerley*, Sutton, watch-movement maker.—*Thos. Hudson*, Liverpool, ship broker.—*Thos. Pickburn*, Preston, out of business.—*Mark Nield*, Bent Grange, near Oldham, wool carder.—*Sarah Key*, Warrington, out of business.—*Josiah Fallows*, Oldham, out of business.

Court-house, CARDIGAN, (County), March 13 at 10.

*Jenkin James*, Pantyryrod, Llanarth, labourer.—*William Thomas*, Pontfaen, Cellan, farmer.

Court-house, CARMARTHEN, (Borough), March 10 at 10.

*Wm. Lewis*, Carmarthen, coach builder.—*John L. Brigstocke*, Carmarthen, printer.—*Isaac Jones*, Curmarthen, tallow chandler.—*John Edwards*, Pontyberam, Llangendeirne, out of business.

Court-house, CARMARTHEN, (County), March 10 at 10.

*John C. Evans*, Pantygoel, Lanegwad, farmer.—*J. Jones*, Nantybaste, Llanegwad, woollen manufacturer.—*John Davies*, Pantilly, Lilanybuthar, farmer.—*George S. Cole*, Kidwelly, carpenter.

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LONDON, FEBRUARY 25, 1843.

By our Parliamentary Summary, it will be seen that the threatened inquiry in the House of Commons, into the judicial conduct of the Lord Chief Baron of the Exchequer on the late Special Commissions, has been rejected by a considerable majority; and at this termination of the matter we apprehend that most of our readers will concur with us in rejoicing. Into the question, whether the topics touched upon in the now-celebrated charge of the learned Judge, were or were not strictly necessary to the business in hand, or whether there was or was not in the mode of treating them any departure from that judicial insensibility to every collateral consideration, which is considered, and properly considered, as essential to the due discharge of the duty of instructing a jury in the law, we shall not take upon ourselves to inquire; for we rejoice at the determination to which it has pleased the lower House of Parliament to arrive, not on the ground of any opinion that we may entertain for or against the merits of the Lord Chief Baron's charge, but because we feel that such an inquiry as that proposed was not requisite, admitting, for the purpose of the argument, the case stated by its proposer to be made out; and because we feel that nothing would tend more to paralyse the administration of justice, than the establishment of a practice of calling upon Judges on every assumed departure, whether slight or not, from the strict line of judicial frigidity, to undergo the harassing and not unhumiliating process of a parliamentary inquiry into all that they have said and done.

On a trial of any kind, whether civil or criminal, and still more on a trial involving the question, whether crime of a political character has or not been committed, the conduct of a Judge is and must of necessity be entirely public. Every step that he takes is taken in the eyes of a jealous bar, and a still more jealous

public. Every word that he utters is recorded, and remains, containing within itself ample evidence of his judicial conduct. If, in charging the jury, he miscarries in point of law, there is a legal mode of obtaining a subsequent consideration of the verdict; if, the verdict being sound, he awards an unlawful punishment, again there is a regular and legal mode of obtaining a reconsideration of his sentence. If, without being guilty of unsound law either before or after the verdict, he interpolates in his charge to the jury matter irrelevant and improper, he fails not to find, and that speedily, by the thousand and one modes in which the disapprobation of the profession and of the public manifests itself, that he has sinned against his high duty; and he stands rebuked, and in all probability restrained from the commission of a similar offence in future. In the particular case lately under the consideration of the House, there really seemed nothing to inquire into. The obnoxious charge had been, as every such charge is in general, not only taken down by the short-hand writers attending the trial, not only printed in every public journal of note, but afterwards published in the form of a separate pamphlet. There was no doubt therefore of what the Judge was guilty, if he was guilty at all; and the question was, not what he had said, but whether what he had said was proper to be said. Of what use in such a case could a parliamentary inquiry be, except to harass the particular Judge, and hold out to every succeeding one, that he must look for daily criticism, not, as heretofore, to the bar, to the profession generally, and to the public press, but to the Legislature?

We do not of course attempt to deny the right of the House of Commons to institute an inquiry into the judicial conduct of any judge, of whose official virtue it may have been induced to entertain suspicion. That such a right is necessarily annexed to the due exercise of the wholesome right of addressing the Crown for the removal of a Judge, is not to be doubted; but it is



to be doubted whether great mischief to the independence and practical efficiency of the Bench would not follow the light and frequent application of the right of inquiry in every trivial case, or generally in all cases where the assumed judicial delictum is not such as to warrant, if established, further proceedings in the nature of an address for the removal of the Judge from his office. The intervention of the Legislature in the capacity of censor on the Judge, seems indeed adapted only for those grave offences against the due exercise of judicial authority, which, if proved, ought to be followed by the retirement of the delinquent; for the recorded animadversion of the Legislature is not like the passing though forcible disapprobation of the profession. The latter effects its temporary purpose, of tacitly admonishing even a Judge, while it leaves his name and his honour unstained. It is felt but not recorded; it does not break in upon the prestige of his high dignity: it is rather an admonition than a punishment, and all recollection of it may be effaced by a return in an erring Judge to the strict line of his duty. But the censure of even one branch of the Legislature is a recorded and ineffaceable stain. A Judge who has been once subjected to it, can never shake off the memory of the disgrace that has fallen upon him; and it is, perhaps, scarcely too much to say, that a Judge who should have received, deservedly or undeservedly, the censure of the Legislature on his judicial conduct, would be thenceforth unfitted to preside over any tribunal with comfort to himself or advantage to the public.

We repeat, therefore, that we view with great satisfaction a determination of the House of Commons, the effect of which is to repudiate the doctrine that the inquisitorial jurisdiction of Parliament, intended as an ultimate remedy against the gravest judicial offences, should be lightly called into application for the purpose of exercising a minute surveillance over the conduct of Judges, and harassing them in the discharge of their duties by the fear of an intervention, which must always be powerful, and might not always be discreet.

#### ON THE POWER OF THE COURTS TO ENLARGE THE TIME FOR MAKING AN AWARD.

The 3 & 4 Will. 4, c. 42, s. 39, enacts, "That the power and authority of any arbitrator or umpire, appointed by or in pursuance of any rule of court, or judge's order, or order of Nisi Prius, in any action now brought, or which shall be hereafter brought, or by or in pursuance of any submission to reference, containing an agreement that such submission shall be made a rule of any of his Majesty's courts of record, shall not be revocable by any party to such reference without the leave of the court by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a judge; and the arbitrator or umpire shall and may, and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference; and that the court, or any judge thereof, may from time to time enlarge the term for any such arbitrator making his award."

The judges of the several courts are not, it seems, agreed upon the construction which ought to be put upon the latter part of this section; and we shall therefore briefly examine the several cases and dicta which

bear upon it. When there are conflicting decisions upon any point, we are anxious that our readers should be made acquainted with them, as the authority of one case might sometimes through inadvertence mislead.

It would appear, at first sight, that the power given by the latter part of the section was only applicable to cases within the former part of it, viz. where one of the parties had attempted to revoke the arbitrator's authority. And so indeed the Court of Exchequer once thought. (*Burley v. Stephens*, 4 Dowl. 255). When however, the section is examined, there appears no reason for giving to the latter clause so limited an operation. The words "any such arbitrator" obviously refer to the arbitrator described in the first part, and whose authority is made irrevocable. Soon after the above case, this view was adopted; and in *Potter v. Newman*, (2 C., M., & R. 742), Parke, B., said, "I wish it to be understood that I do not adhere to the opinion I threw out when the rule was moved for, that the act only applies to cases where there has been a revocation of the submission." And on *Burley v. Stephens* again coming before the court, he said, "With regard to the power which the courts or a judge have under that statute, it was my impression that it only existed in cases where there has been an attempt to revoke the submission. I have now satisfied my mind that that is erroneous, and I expressed an opinion to that effect in a late case in this court; and I now agree with the rest of the court in the opinion which they entertain, that the power is general and applies to all cases." Conceding however that the power to enlarge the time applies to other cases than where the submission is attempted to be revoked, the question then arises whether the court can enlarge the time when the arbitrator has power to do so. The words of Baron Parke just quoted favour the opinion that the court has the power. And in *Parbery v. Newnham* (7 Mee. & W. 378), the Court of Exchequer acted upon this opinion, and made a rule for enlarging the time for making an award in a case where the arbitrator had authority to do so, but had omitted it. Opposed to this case are the dicta of Patteson, J., in *Dos d. Jones v. Powell*, (7 Dowl. 539), which was cited in the argument; and Tindal, C. J., in *Lambert v. Hutchinson*, (1 M. & G. 858). The former of those learned judges says, "that the court may, from time to time, enlarge the period for an arbitrator to make his award. That means rather that the court may enlarge the time where no power is given the arbitrator to do so; if there is such a power, it is for him to do it; but I doubt if the court would do it in a case where the parties, or the arbitrator, will not consent to proceed with the reference." The latter judge says in reference to the clause in question, "Where the rule or order of reference contains no power to enlarge the time, it is a very useful provision; as it enables the court, or a judge, to supply the defect. But I doubt whether the statute empowers the court or a judge to interfere when the arbitrator has power to enlarge, but he has inadvertently permitted the time to expire without exercising his power." There is also a dictum of Lord Denman, C. J., (in 12 Adol. & Ell. 772, *In re Salkeld and Salter*), who says, "I think that the provision at the end of stat. 3 & 4 Will. 4, c. 42, s. 39, applies, not merely to arbitrators under the particular circumstances there mentioned, but to arbitrators generally." In that case, however, the arbitrator had not power given to him to enlarge the time; and the Chief Justice cannot be considered as meaning more than that the power of the court to enlarge is not confined to cases where the arbitrator's authority has been attempted to be revoked. When Judges thus differ, we will not presume to decide; our object has been to guard our readers against hastily acting upon the authority of *Parbery v. Newnham*; and as the question is one which does not admit of much argument on either

side, we shall do little more than express an opinion that the statute does not apply when the arbitrator has power to enlarge the time. The object of the enactments appears to have been to remedy three great defects in the law as to arbitration—the right of either party to revoke the submission, the want of power to compel the attendance of witnesses, and the inconvenience arising from the arbitrator not being able to administer an oath. When the arbitrator has power to enlarge the time, the power of the court is superfluous. But not only that, its exercise may lead to some difficulty. The word “enlarge” ought, we think, to have the same meaning in the statute as it had previously when used in submission. The court would then have only the same power as an arbitrator, which does not allow a farther time to be given for making the award after the time originally fixed has expired. The Court of Exchequer has indeed otherwise decided, and therein we humbly beg leave to differ from them. But supposing the courts to have a greater power, and to be able, as it may be somewhat incorrectly called, to enlarge the time when an arbitrator could not do so, it can hardly be said that the words of the act confine them in its exercise to cases where he has omitted to do it. If they have the power at all, they may enlarge the time, whilst the arbitrator’s authority continues; and then it must either be held that their authority excludes that of the arbitrator, or it may happen that both will enlarge the time for different periods; in which case we should like to know within which the award must be made. This, indeed, is a case not very likely to occur; but the supposition of it affords some guide to the meaning of the clause. The best interpretation seems to us to be, that, in every reference to arbitration, there should be a power somewhere of enlarging the time. The parties may give it to the arbitrator, and then it is unnecessary for the court to have it, or they may choose to give it to the court, and, by omitting the arbitrator’s power, allow the statute to operate. Before the act, the courts had no power, without the consent of the parties, to enlarge the time for making an award. Does it, then, mean more than to give them that power when the parties at the time of the submission choose that they shall have it rather than the arbitrator?

Whilst upon this subject, we may suggest to our readers the adoption of a clause which we have sometimes seen used in submissions. Its purpose is to prevent the disastrous consequences which ensue from the award being set aside, and it is to authorize the court, upon an application being made to set aside the award, to refer it back to the arbitrator to amend it, or to make a new one. This has not, we believe, yet received a judicial interpretation, but its insertion is advisable in all cases.

### Review.

*Comments on the New Scheme of Insolvency, &c. By WILLIAM JOHN LAW, Esq. [Stevens & Norton.]*

This is a pamphlet which, although written in a style somewhat approaching the flippant, contains many useful strictures on the late alterations in the law and practice of Insolvency and Bankruptcy.

In commenting on the scheme of insolvency, the author observes particularly on the defective state of the provisions respecting notices. After pointing out the fraudulent tendency of the notice required by sect. 1 of the 5 & 6 Vict. c. 116, viz. the notice to one fourth of the creditors of the insolvent, on which he founds a petition entitling him to a protection, (a proceeding which the author contends enables a debtor to give a species of fraudulent notice to a chosen fourth of his creditors), he goes on to observe on the looseness of the pro-

visions respecting the mode in which the notices are to be given, viz. through the London Gazette and some county newspaper, modes which he argues to be wholly insufficient.

“The more orthodox persuasion, he says, p. 18, seems to be, that every reading man reads the London Gazette; that accordingly, the knowledge of a person’s intention to be insolvent will, through the preliminary advertisements, be universal; whereupon every interested party will be on the look-out for the subsequent advertisement that fixes the time of business. It is in this persuasion that that appointment of the time for appearing in the Court of Bankruptcy is only required to be announced by an advertisement of three clear days; a notice which, standing alone, would of course be unavailing; but which is deemed sufficient for those who are presumed watching for it.

“Now, even to those who are watching for it, the allowed notice, when a petitioner shall adopt the minimum, may prove rather scanty. If the Newcastle merchant, on a Wednesday afternoon, reads in the Tuesday’s Gazette, that John Jones, of Dawlish, gentleman, mariner, or out of business, as the case may be, is to be examined at Exeter on the following Saturday, and, identifying him in his own mind with a shipowner in Shields, who cheated him some years ago, shall have courage to undertake the expedition, he will not be guilty of much laches if he only arrives in time to learn that ‘it has appeared that John Jones has not contracted his debts by any manner of fraud, or by breach of the revenue laws, or by means of crim. con., slander, assault, battery, or malice; and that on a future day final order will be made unless cause shewn.’ If his habits of study and of locomotion fail to bring the Northumbrian in time to the scene of action, still more must his witness arrive too late, even if there existed a process to subpoena him. . . .

“Further, the notice should be intelligible: it should disclose the facts necessary to be known: if A. B. has contracted his debts, partly as a merchant at Whitehaven, partly as a shipowner at Hull, partly as a fusian manufacturer at Manchester, he will not be sufficiently identified by the denomination of A. B. of Bridgewater, whether the titular addition be that of gentleman, or any other pursuit: and beyond this, the notice should announce to creditors their right of interference, and instruct them in the mode of exercising it.”

On the recent changes in the law of a bankrupt’s certificate, (5 & 6 Vict. c. 122), the author also offers some remarks deserving of consideration. He approves greatly of the discretion given to the commissioners in determining whether or not to grant a certificate, to take into account “the conduct of the bankrupt as a trader as well before as after his bankruptcy,” words which he contends alone give to the commissioners the power of refusing a certificate on any grounds other than those particular grounds of objection prescribed in terms by the act itself.

“There are no other words, (he says), that would have warranted such an investigation. An inquiry of certificate is *prima facie* an inquiry only into the truth of the things to be certified, which are conformity to the bankrupt law and disclosure of estate; and although the act empowered a commissioner ‘to judge of any objection against allowing a certificate,’ the bankrupt’s advocate would reasonably insist that the admissibility of an objection must be looked for in the act itself; and that, as the act, besides requiring ‘conformity and disclosure of estate,’ enumerates, by way of proviso to the definition of the effect of certificate, certain things which shall defeat the title to it, *objection* must be limited to the things so set forth, added to those which concern conformity and disclosure. It does happen that the things so set forth (sect. 38) are



'all exploits of hostility to the bankrupt laws, with the exception of two, a bet of 20*l.*, and a time bargain of 200*l.*, so that in truth the certificate of one who had done nothing to defeat the law of bankruptcy was only endangered by those two acts of immorality. The duty of reading the trader's history rests on the interpolated words, *'having regard to the conduct of the bankrupt as a trader before as well as after his bankruptcy.'*'

The author afterwards comments on the rather vague discretionary power given to the court of "finding the bankrupt entitled to a certificate, and allowing the same, or refusing or suspending the allowance thereof, or annexing such conditions thereto as the justice of the case may require." And the effect of this power he shews, we think satisfactorily, to be by no means likely to prove of so widely extending efficacy, as it would *prima facie* promise in attaining the great object of all bankruptcy law, the distinction between the honest but unfortunate trader, and the reckless and fraudulent one, and the due apportionment of protection between the bankrupt and the creditor.

## Imperial Parliament.

### HOUSE OF COMMONS.

*Monday, Feb. 20.*

Sir J. Graham brought in the Registration Bill, which was read a first time, and ordered to be read a second time on the 27th.

*Tuesday, Feb. 21.*

A lengthened debate, on the motion of Mr. Duncombe, took place, in reference to the charge delivered by Lord Chief Baron Abinger during the special commissions at Lancaster and Chester.

The motion for a select committee of inquiry into the judicial conduct of the noble and learned Judge, was negatived by a majority of 155, the ayes being 73, the noes 228.

*Thursday, Feb. 23.*

The Solicitor-General obtained leave to bring in a Bill to provide for the Apprehension in the United Kingdom of Persons charged with Offences committed in other Parts of her Majesty's Dominions, and vice versa. Also to bring in a Bill to remove Doubts as to the Punishment of Offences under 4 & 5 Vict. c. 56.

## London Gazettes.

● TUESDAY, FEBRUARY 21.

### BANKRUPTS.

JOHN STANTON, Lowestoft, Suffolk, victualler and hay-dealer, March 4 at 2, and April 4 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sharpe & Co., Bedford-row.—Fiat dated Feb. 9.

MARGARET OXBORROW, Stockport, Cheshire, pawn-broker, March 2 at 1, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Ashurst, 137, Cheapside.—Fiat dated Feb. 11.

RICHARD MASON, St. Albans, Hertfordshire, corn-dealer, maltster, and coal-merchant, March 2 at half-past 2, and April 8 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Bridger & Blake, Finsbury-circus.—Fiat dated Feb. 18.

JOHN LAMBERT FOSTER, Jewry-street, Aldgate, coach and harness-maker, March 1 at 11, and March 29 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Hopgood, 202, Bishopsgate-st.—Fiat dated Feb. 17.

JOHN EVANS, Torquay, Devonshire, ironmonger, March 1 and April 5 at 2, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Terrell & Roberts, Exeter; Thompson & Co., Cannon-street.—Fiat dated Feb. 13.

ABRAHAM VICKERS, Manchester, ironmonger, March 7 at 1, and March 24 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Bagshaw & Stephenson, Manchester.—Fiat dated Feb. 16.

JOHN CRALLAN, Sunderland, Durham, timber-merchant, March 10 at 12, and April 7 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Young, Sunderland; Swaine & Co., 6, Frederick's-place, Old Jewry.—Fiat dated Feb. 6.

EDWARD WRIGHT and GEORGE WRIGHT, Bodmin, Cornwall, brewers and spirit dealers, March 1 and April 5 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Baron, Plymouth; Poole & Gamlen, Gray's-inn.—Fiat dated Feb. 2.

WILLIAM ROBINSON, Liverpool, dealer in cut and plain glass, March 8 and April 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Ewer, Liverpool; Storey, Field-court, Gray's-inn.—Fiat dated Feb. 14.

GEORGE SEABORN, Berkeley, Gloucestershire, baker and bacon-curer, March 7 and April 12 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Bishop & Wells, Dursley, Gloucestershire; Aston & Wallis, New Broad-street.—Fiat dated Feb. 14.

### MEETINGS.

Dan. W. Acraman, William Edw. Acraman, Alfred John Acraman, William Morgan, Thos. Holroyd, and James N. Franklyn, Bristol, ship builders, March 15, 16, and 17 at 11, District Court of Bankruptcy, Bristol, pr. d. joint est.; March 22 at 12, aud. ac. sep. est. W. Morgan; March 23 at 12, aud. ac. sep. est. T. Holroyd; March 24 at 12, aud. ac. sep. est. Jas. N. Franklyn.—Benj. H. Thorold, Harmston, Lincolnshire, and Harlesdon-green, Willesden, Middlesex, Esq., March 3 at 1, Court of Bankruptcy, London, last ex.—John P. Howard, Attlebridge, Norfolk, maltster, March 3 at 10, Court of Bankruptcy, London, last ex.—Thos. F. Harris, Great Portland-street, draper, March 6 at 12, Court of Bankruptcy, London, last ex.—Giles Jas. Newton, Leicester-sq., Westminster, draper, Feb. 28 at 1, Court of Bankruptcy, London, last ex.—Saml. Perks, Dudley, Worcestershire, builder, March 7 at half-past 12, District Court of Bankruptcy, Birmingham, last ex.—Augustine Pricour, St. Martin's-lane, hotel-keeper, March 16 at 11, Court of Bankruptcy, London, aud. ac.—Wm. Henry Brewer, Ramsgate, Kent, bookseller, March 16 at 11, Court of Bankruptcy, London, aud. ac.—John T. Burgon, Bucklersbury, wholesale hardware-merchant, March 14 at 2, Court of Bankruptcy, London, aud. ac.—John Lowther, Queen's-row, Pentonville, builder, March 25 at half-past 12, Court of Bankruptcy, London, aud. ac.—Wm. Bayley, Hastings, Sussex, wholesale grocer, March 18 at 12, Court of Bankruptcy, London, aud. ac.—Geo. Deane, Upper Tooting, Surrey, livery-stablekeeper, March 18 at 1, Court of Bankruptcy, London, aud. ac.—Wm. Kirk, Leicester, builder, March 18 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.—Thos. Jas. Fehr, Birmingham, draper, March 18 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—Thos. B. Fehr, Dudley, spirit-merchant, March 24 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—J. N. Sargent, Nottingham, grocer, March 28 at half-past 1, District Court of Bankruptcy, Birmingham, aud. ac.—Jas. Meredith, St. Andrew, Pershore, Worcestershire, woolstapler, March 17 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—Saml. Cheetham and Thomas Wadsworth, Macclesfield, Cheshire, silk-throwster, March 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.—Geo. C. Harriell, Bristol, auctioneer, March 17 at 11, District Court of Bankruptcy, Bristol, aud. ac.; March 24 at 1, div.—Richd. Warren, Liverpool, druggist, March 14 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—S. Brown, Liverpool, millwright, March 24 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—J. Casson, Liverpool, corn merchant, March 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; March 16 at 11, div.—John George Calbreath, Houghton-le-Spring, Durham, draper, March 14 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—C. Yandle and Geo. Field, Beaumont-street, Marylebone, coach makers, March 16 at half-past 11, Court of Bankruptcy, London, div.—Thos. Blason, Ecton, Northampton, innkeeper, March 16 at 1, Court of Bankruptcy, London, div.—Saml. Cheetham and Thomas Wadsworth, Macclesfield, Cheshire, silk-throwster, March 21 at 12, District Court of Bankruptcy, Manchester, div.—John Haddock, Warrington, Lancashire, bookseller, March 16 at 1, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*Sam. Parker*, Egyptian-hall, Piccadilly, lamp manufacturer, March 16 at 3, Court of Bankruptcy, London.—*Thos. Blason*, Ecton, Northamptonshire, innkeeper, March 16 at 3, Court of Bankruptcy, London.—*Wm. Hen. Brewer*, Ramsgate, Kent, bookseller, March 16 at 3, Court of Bankruptcy, London.—*Deal. Haddingham*, Cambridge, linen-draper, March 14 at half-past 11, Court of Bankruptcy, London.—*Thos. Manning*, High-street, Camden-town, grocer, March 16 at 12, Court of Bankruptcy, London.—*John B. Boucher*, Birmingham, shawl dealer, March 16 at half-past 11, Court of Bankruptcy, London.—*Aug. Fricour*, St. Martin's-lane, hotel-keeper, March 16 at 11, Court of Bankruptcy, London.—*J. Burslem*, King's Lynn, Norfolk, stationer, March 16 at 12, Court of Bankruptcy, London.—*John T. Burson*, Bucklersbury, wholesale hardwareman, March 14 at 2, Court of Bankruptcy, London.—*Chas. Jones*, Devereux's-court, Strand, tavern-keeper, March 16 at 11, Court of Bankruptcy, London.—*Tristram Ridgway*, Huddersfield, Yorkshire, wool merchant, March 15 at 12, Court of Bankruptcy, London.—*Edmd. R. Dawson*, Gracechurch-street, wholesale ironmonger, March 15 at 2, Court of Bankruptcy, London.—*John Lewis*, Tredegar, Monmouthshire, draper, March 22 at half-past 11, District Court of Bankruptcy, Bristol.—*H. Clark*, Bridgewater, Somersetshire, linen-draper, March 21 at 1, District Court of Bankruptcy, Bristol.—*H. Dartnell*, Cam, Gloucestershire, clothier, March 20 at 11, District Court of Bankruptcy, Bristol.—*J. Hoskins*, Crocombe, Somersetshire, baker, March 22 at 2, District Court of Bankruptcy, Bristol.—*Th. Hyatt*, Shepton Mallet, Somersetshire, scrivener, March 21 at 12, District Court of Bankruptcy, Bristol.—*Dav. Marsden*, Tredegar, Monmouthshire, linen-draper, March 22 at 11, District Court of Bankruptcy, Bristol.—*John Casson*, Liverpool, corn-merchant, March 14 at 1, District Court of Bankruptcy, Liverpool.—*J. Whitehall*, Wellington, Shropshire, innkeeper, March 31 at 11, District Court of Bankruptcy, Birmingham.—*J. Meredith*, St. Andrew, Pershore, Worcestershire, woolstapler, March 17 at half-past 12, District Court of Bankruptcy, Birmingham.—*John N. Sargents*, Nottingham, grocer, March 28 at half-past 1, District Court of Bankruptcy, Birmingham.—*Walter Bilton*, jun., Kingston-upon-Hull, wine merchant, March 17 at 11, District Court of Bankruptcy, Leeds.—*Edmd. Barker*, jun., Woodhouse Car, Leeds, Yorkshire, dyer, March 17 at 11, District Court of Bankruptcy, Leeds.—*Hen. Barton*, jun., Liverpool, merchant, March 14 at 12, District Court of Bankruptcy, Liverpool.—*John B. Lodge*, Gerrard-street, Soho, and New Bond-street, bath proprietor, March 14, Court of Bankruptcy, London.—*John Lawley*, Stafford, cooper, March 14, Court of Bankruptcy, London.—*Wm. Filmer* and *Wm. S. Gooding*, Osborne-street, Whitechapel, brewers, March 14, Court of Bankruptcy, London.—*Peter Ditchfield*, Hindley, Lancashire, cotton spinner, March 14, Court of Bankruptcy, London.—*Wm. C. Fletcher*, Manchester, wholesale and retail bookseller, March 14, Court of Bankruptcy, London.—*And. G. Gifford*, Mark-lane, wine-merchant, March 14, Court of Bankruptcy, London.—*Edmd. Oakley* and *John Wise*, Poole, corn dealers, March 14, Court of Bankruptcy, London.—*Th. Saunders*, Northampton, linen-draper, March 14, Court of Bankruptcy, London.—*Ellie Piggott*, Manchester, embosser and printer, March 14, Court of Bankruptcy, London.—*Sam. Berry*, Birmingham, draper, March 14, Court of Bankruptcy, London.—*Thos. Tattersall*, Liverpool, corn merchant, March 14, Court of Bankruptcy, London.—*George Cole*, Hampton, innkeeper, March 14, Court of Bankruptcy, London.—*Wm. A. Turner*, Wood-street, Cheapside, warehouseman, March 14, Court of Bankruptcy, London.—*Wm. Grundy*, Manchester, yarn-dealer, March 14, Court of Bankruptcy, London.—*Robert C. Janion*, Liverpool, merchant, March 14, Court of Bankruptcy, London.—*John Hepworth*, New Malton, Yorkshire, woollen draper, March 14, Court of Bankruptcy, London.—*Sam. Wood*, jun., Baglit, Flintshire, chert merchant, March 14, Court of Bankruptcy, London.—*Robt. Scampton*, Coventry, grocer, March 14, Court of Bankruptcy, London.—*Wm. Swift*, Manchester, draper, March 14, Court of Bankruptcy, London.—*Hen. Fulford*, Birmingham, draper, March 14, Court of Bankruptcy, London.—*Adam Thwaites*, Newcastle-upon-Tyne, brewer, March 14, Court of Bankruptcy, London.—*Wm. Mather*, *Colin Mather*, and *John T. Newstead*, Manchester, and Salford, iron founders, March 14, Court of Bankruptcy, London.

## PARTNERSHIPS DISSOLVED.

*Peter Fernhead* and *Oliver L. Hambury*, Ashby-de-la-Zouch, Leicestershire, attorneys and solicitors.—*Wm. Cox* and *Geo. S. Corser*, Daventry and Northampton, attorneys, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*John Brown*, Edinburgh, engraver.—*M<sup>r</sup> Farlane* and *Simson*, Glasgow, ironmongers.—*Archibald M<sup>r</sup> Allister*, Glasgow, writer.

## INSOLVENT DEBTORS.

Saturday, Feb. 18.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Richard Knowles*, Bradford, Yorkshire, and Basinghall-st., London, worsted spinner, No. 53,962 T.; *John Hainsworth*, assignee.—*Thomas Evans*, Commercial-place, Kentish-town, saddler, No. 54,517 T.; *Thomas Marsh*, assignee.—*J. Evans*, Long-lane, West Smithfield, woollen draper, No. 53,734 T.; *G. T. Barnes* and *T. J. Severne*, assignees.—*A. Cooper*, Princess-st., Stamford-st., Blackfriars-road, coach and harness-maker, No. 42,143 T.; *Charles Turner*, assignee.—*William Smith*, Guildford, Surrey, barman, No. 54,315 T.; *W. F. Hodgson*, assignee.—*Thos. Keen*, Shepperton-st., New North-road, Islington, statuary, No. 54,394 T.; *F. W. Gerrish*, assignee.—*E. Holdom*, Britannia-st., City-road, licensed victualler, No. 53,638 T.; *W. Alexander*, assignee.—*John Wm. Astley*, Euston-grove, Euston-sq., gentleman, No. 53,553 T.; *T. W. Younghusband*, assignee.—*Thos. Collyer*, Grosvenor-st., Stepney, plumber, No. 54,401 T.; *John Pinner*, assignee.—*John Tansley*, York-st., Westminster, assistant to an ironmonger, No. 54,181 T.; *W. Brooke*, assignee.—*R. Gillett*, sen., Lambeth-walk, Lambeth, Surrey, baker, No. 54,476 T.; *E. Kemp* and *Jas. Mason*, jun., assignees.—*Dani. Farmer*, Acton, Middlesex, baker, No. 54,170 T.; *John Williamson*, assignee.—*Thos. Macklin*, Oxford, tailor, No. 52,311 C.; *S. Cuff*, assignee.—*William Hitchings*, Oxford, plumber, No. 54,370 C.; *Saml. Cuff*, assignee.—*William Gouldsbrough*, Manchester, iron merchant, No. 61,678 C.; *R. Solly* and *N. N. Solly*, assignees.—*Henry Sinalley*, Blackburn, Lancashire, grocer, No. 60,807 C.; *Thomas Walker*, assignee.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, March 14 at 9.

*W. Kelt*, Lower Grove-st., Commercial-road, St. George's in the East, out of business.—*John Thomson*, sen., Tottenham-court-road, shoemaker.—*J. Wilson*, Wise's-yard, Westbourne-st., Pimlico, omnibus driver.—*Robt. Draper*, Britannia-place, Bishopsgate-st., out of business.—*William Cable*, Peckham, Surrey, lodging-house keeper.—*H. D. Austin*, jun., Webber-st., Blackfriars-road, Surrey, builder.—*Wm. Stuchfield*, Radnor-mews, Oxford-terrace, Edgeware-road, horse-dealer.—*John Richardson*, Old-st.-road, Shoreditch, printer.—*Wm. Irving*, Phoenix-st., Soho, bricklayer.—*R. T. Deane*, Enfield-highway, Middlesex, grocer.

March 16, at the same hour and place.

*Edw. Magrath*, Orchard-ter., Bromley, ship carpenter.—*J. Ashwell*, St. John-st.-road, Clerkenwell, clockmaker.—*Wm. Adams*, Booth-st., Spitalfields, wood turner.—*S. Long*, Cumberland-place, Newington-butts, shoemaker.—*J. Jessop*, Iron-gate-wharf, Praed-st., Paddington, butcher.—*William Little*, Kew, Surrey, out of business.—*T. W. Bye*, Rathbone-place, Oxford-st., bill discounter.—*James Griffiths*, Islington-green, brewers' servant.—*Joseph Oaten*, Paddington, clerk to a coal merchant.—*A. Beaumont*, Great Peter-st., Westminster, town traveller.—*Henry Chester*, Covent-garden, hotel keeper.

Court-house, LANCASTER, (County), March 14 at 10.

*John Anderton*, Manchester, commission agent.—*T. Wilson*, Liverpool, painter.—*James Swarbrick*, Preston, out of business.—*Wm. Park*, Dalton, farmer.—*J. Furnival*, Manchester, out of business.—*A. Blackley*, Manchester, draper.—*Wm. Rafferty*, Liverpool, clothier.—*Chas. Walthall*, Southport, licensed victualler.—*Archibald Fish*, Cheetham, Manchester, tailor.—*James Hope*, Liverpool, lieutenant a d adjutant of the Liverpool recruiting district.—*Mark Ridings*, Heywood, near Bury, butcher.—*J. Newsham*, Straits, Houghton-lane, near Preston, dealer in ale.—*Isaac Beck*, Salford, out of business.



*Court-house, CHELMSFORD, Essex, March 14 at 10.*

*S. H. Loney, Waltham Abbey, widow.—S. C. Halstead, Romford, tailor.—John Mountain, Rayleigh, stage-coach proprietor.—Wm. Daniels, Walton on the Naze, grocer.—Wm. Welton, Fryerning, near Ingatstone, veterinary surgeon.—T. Halls, Toppesfield, labourer.—Abraham Hurley, Woodford, corn dealer.—Ambrose Meekings, Orsett, collar and harness maker.—Robt. Thomson, Manningtree, retailer of beer.—J. M. Gigney, Ostend, licensed victualler.*

*Court-house, COLCHESTER, Essex, March 15 at 10.*

*Robt. Mills, Colchester, clicker.*

*Court-house, HAVERFORDWEST, Pembrokeshire, March 15 at 10.*

*Isaac Morgan, Loveston, farmer.—John Williams, Narberth, mercer.—Henry Rowe, Rosedown, Narberth, farmer.—Stephen Rowe, Rosedown, Narberth, labourer.—J. James, Trevine, Llanryan, carpenter.*

*Court-house, IPSWICH, Suffolk, March 16 at 10.*

*John Hewes, Ipswich, baker.—W. Pooley, Debenham, farmer.—James Field, Framlingham, shoemaker.—Peter Smith, Cratfield, near Halesworth, blacksmith.—Henry Cousins, Occold, out of business.—I. W. Bridges, Ipswich, dealer in corn.—Simon Waterman, Crowfield, cattle dealer.—John S. J. Rainer, Ipswich, assistant to a bookseller.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*Eliza Ayscough, Priory-st., Camden-town, grocer: 4s. 3½d. in the pound.—Robert Scott, Fleet-st., London, engraver: 1s. in the pound.—Thos. Harris, Merthyr Tidal, Glamorgan-shire, shopman: 3s. 3½d. in the pound.—Wm. Hansen, Birmingham, spectacle maker: 10d. in the pound.—John Langley, Stamford, Lincolnshire, blacksmith: 1s. 10d. in the pound.—Horatio Steele, Plymouth, superannuated cook in the navy: 5s. in the pound.—James Peachey, John-street, Titchfield-terrace, Regent's-park, publican: 3s. 10d. in the pound.—Anthony Vachee, Pitt-st., Bethnal-green-road, clerk in the Customs: 2s. 4d. in the pound.—John W. Montague, Jewry's-gap, near Rye, Sussex, lieutenant in the royal navy: 2s. in the pound.*

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 11 and 3.*

*Richard Heron, Sandgate, Newcastle-upon-Tyne, publican, Hoyle's, Newcastle-upon-Tyne: 1s. 11½d. in the pound.*

#### MEETING.

*Thomas Chittenden, Wye, near Ashford, Kent, cooper, March 9 at 11, Amos's, Wye, sp. affairs.*

**FRIDAY, FEBRUARY 24.**

#### DECLARATION OF INSOLVENCY.

**EDWARD AUSTEN, Walmer, Kent, grocer.**

#### BANKRUPTS.

**WILLIAM RUSSELL, Kingston-upon-Thames, Surrey, innkeeper, March 3 at half-past 2, and April 7 at half-past 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Walter & Demainbray, Kingston-upon-Thames; Chester, Parsonage-row, Newington-butt.—Fiat dated Feb. 22.**

**JOHN HARRISON CURTIS, Soho-sq., bookseller, March 4 and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Robson, Clifford's-inn.—Fiat dated Feb. 21.**

**JOSEPH PICKERING, Bedford, upholsterer, March 3 at 2, and March 31 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Brinton, Kidderminster; Dangerfield, 68, Chancery-lane.—Fiat dated Feb. 8.**

**JAMES IMRAY, Old Fish-st.-hill, Upper Thames-st., stationer, and Minorics, chart seller, March 4 at 10, and April 7 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Wollen, 30, Bucklersbury.—Fiat dated Feb. 16.**

**JOHN HAGUE, Thames Ironworks, Rotherhithe, Surrey, engineer and millwright, March 6 and April 7 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Ashley, Old Jewry.—Fiat dated Feb. 21.**

**JOHN THOMAS LINFORD and JOHN WEEKS, Canterbury, chemists and druggists, March 14 at 1, and April 7 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Smith, 17, Basinghall-st.—Fiat dated Feb. 17.**

**EDWARD MORRIS, Royal Repository, Brighton, Tunbridge-ware manufacturer, March 7 at half-past 1, and**

**March 31 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Benson, Brighton; Freeman & Co., Coleman-st.—Fiat dated Feb. 22.**

**THOMAS WRIGLEY, Westcroft Mills, King's Cross, Halifax, Yorkshire, silk-waste spinner and cotton doubler, March 14 and April 5 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Atkinson & Saunders, Manchester; Makinson & Sanders, 3, Elm-court, Middle-temple.—Fiat dated Feb. 8.**

**GEORGE COBB, Nottingham, licensed victualler and dealer in tobacco, March 3 at 1, and March 31 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Bowley, Nottingham; Johnson & Co., Temple.—Fiat dated Feb. 20.**

**JESSE TAMS, Shelton, Staffordshire, earthenware manufacturer, March 3 at half-past 11, and April 7 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Hodgson, Birmingham; Warren, Market Drayton, Shropshire.—Fiat dated Feb. 15.**

**GEORGE SEABORN, Berkeley, Gloucestershire, baker, and bacon curer, March 6 and April 13 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Bishop & Wells, Dursley; Aston & Wallis, New Broad-street.—Fiat dated Feb. 14.**

**GEORGE NEWMARCH, Saig-hill, Sheffield, Yorkshire, and Nottingham, furrier and hatter, March 10 and April 3 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Bowey, Nottingham; Johnson & Co., Temple.—Fiat dated Feb. 15.**

**DAVID DUNCAN, Derby, engineer, iron worker, and steam engine manufacturer, March 6 at 11, and April 1 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Huish & Co., Derby.—Fiat dated Feb. 18.**

**JAMES WRIGHT, Horsforth, Woodside, Guiseley, Yorkshire, corn miller, and maltster, March 7 and April 4 at 1, District Court of Bankruptcy, Leeds: Off. Ass. Fearne; Sols. Ward & Son, Leeds; Robinson & Barlow, Essex-st., London.—Fiat dated Feb. 21.**

#### MEETINGS.

*Thomas Whitmarsh, Tunbridge Wells, Kent, hotel-keeper, April 4 at 11, Court of Bankruptcy, London, last ex.—Williams Thompson, Exeter, merchant, March 20 at half-past 12, District Court of Bankruptcy, Exeter, last ex.—Peter Loyall, Kingston-upon-Hull, miller, March 18 at 12, District Court of Bankruptcy, Leeds, last ex.—Wm. Capon, New Bond-st., hatter, March 17 at 11, Court of Bankruptcy, London, and ac.—Rowland Evans, John Foster, Skinner Z. Langton, and Th. Foster, Barge-yard, Bucklersbury, East India merchants, March 18 at 12, Court of Bankruptcy, London, and ac.—I. Hague, Wm. Miller, and Wm. T. Grant, New Crane Iron-works, Wapping-wall, engineers, March 17 at 12, Court of Bankruptcy, London, and ac.—Edmd. Pennell and Richard Pennell, Aldermanbury Postern, London, yarn merchants, March 18 at 11, Court of Bankruptcy, London, and ac.—R. Keen, Old George-yard, Snow-hill, cheese factor, March 18 at half-past 11, Court of Bankruptcy, London, and ac.—Anth. M. Terry, New Broad-street, confectioner, March 20 at half-past 2, Court of Bankruptcy, London, and ac.—Frederick Newcomb, Newgate-market, carcass-butcher, and Theberton-street, Islington, ham and beef-shop keeper, March 20 at 3, Court of Bankruptcy, London, and ac.—Jos. Mould, Newgate-street, cheesemonger, March 20 at 2, Court of Bankruptcy, London, and ac.—Hen. Rogers, Thetford, Suffolk, money scrivener, April 8 at 12, Court of Bankruptcy, London, and ac.—Samuel Bastick, Brighton, hatter, April 15 at 12, Court of Bankruptcy, London, and ac.—Anth. G. W. Bid-duph, John Wright, Hen. Robinson, and Edmd. William Jerningham, Henrietta-street, St. Paul, Covent-garden, bankers, March 18 at half-past 2, Court of Bankruptcy, London, and ac.; March 25 at half-past 1, div.—Edmd. Lane, Cirencester, Gloucestershire, edge-tool maker, March 21 at 11, District Court of Bankruptcy, Birmingham, and ac.—Geo. Souter, Birmingham, japanner, March 22 at 12, District Court of Bankruptcy, Birmingham, and ac.—John Ferrad, jun., Spalding, Lincolnshire, grocer, March 24 at 11, District Court of Bankruptcy, Birmingham, and ac.—Wm. Cooper, Belfast, Manchester warehouseman, March 22 at 10, District Court of Bankruptcy, Manchester, and ac.—Wm. Ward, Manchester,*

plumber, March 21 at 12, District Court of Bankruptcy, Manchester, and. ac.; April 5 at 12, div.—*Wm. Wolf*, Huddersfield, Yorkshire, and Hamburg, general merchant, March 23 at 11, District Court of Bankruptcy, Leeds, and. ac.; April 6 at 12, div.—*Geo. Armstrong*, Castle Eden, Durham, grocer, March 20 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; March 21 at 12, div.—*Thos. Mennell*, Leeds, Yorkshire, cloth merchant, March 20 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Jas. Palmer*, Lynn, Norfolk, draper, March 17 at 1, Court of Bankruptcy, London, div.; March 22 at 11, div.—*Jas. Ellis*, Calcutta, Bengal, merchant, March 7 at 12, Court of Bankruptcy, London, div.—*Jos. C. Gummer*, Hart-street, Mark-lane, wine merchant, March 7 at 11, Court of Bankruptcy, London, div.—*Daniel Campbell*, Cleveland-row, Westminster, merchant, March 7 at half-past 12, Court of Bankruptcy, London, div.—*Edw. Dabbins*, Brighton, plumber, March 20 at 11, Court of Bankruptcy, London, div.—*William Haviside*, Jerusalem Coffee-house, London, master mariner, March 20 at half-past 11, Court of Bankruptcy, London, div.—*W. Tomkinson*, Stoke-upon-Trent, Staffordshire, wine and spirit merchant, March 22 at 12, District Court of Bankruptcy, Birmingham, div.—*Edw. B. Robinson*, Nottingham, stationer, March 22 at 1, District Court of Bankruptcy, Birmingham, div.—*John N. Sargent*, Nottingham, grocer, March 31 at half-past 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

*To be allowed, unless Cause shewn to the contrary.*

*Isaac Hague*, *Wm. Millar*, and *Wm. T. Grant*, New Crane Iron-works, Wapping-wall, millwrights, March 18 at 11, Court of Bankruptcy, London.—*John Lowther*, Queen's-row, Pentonville, builder, March 18 at half-past 12, Court of Bankruptcy, London.—*John Colnatt*, Pier Hotel, Gravesend, Kent, hotel-keeper, March 17 at half-past 12, Court of Bankruptcy, London.—*John Holland*, Chepping Wycombe, Buckinghamshire, cordwainer, March 17 at 12, Court of Bankruptcy, London.—*Jas. Hillier*, Lynton, Southampton, inn-keeper, March 20 at 1, Court of Bankruptcy, London.—*Hen. Harriet*, Fountain Public-house, Prospect-place, St. George's-road, Southwark, licensed victualler, March 20 at half-past 1, Court of Bankruptcy, London.—*George Coates*, Hart-street, Bloomsbury, apothecary, March 20 at half-past 12, Court of Bankruptcy, London.—*John Morrish*, Keynasham, Somersetshire, maltster, March 23 at 11, District Court of Bankruptcy, Bristol.—*Geo. C. Harriil*, Bristol, auctioneer, March 23 at 12, District Court of Bankruptcy, Bristol.—*Hen. Dircks*, Liverpool, engineer, March 20 at 11, District Court of Bankruptcy, Liverpool.—*Peter Blatchford*, Plymouth, Devonshire, miller, March 20 at 12, District Court of Bankruptcy, Exeter.—*Jas. Gregory*, Sheffield, Yorkshire, manufacturer of table knives, March 22 at 11, District Court of Bankruptcy, Leeds.—*Sam. Smith*, Sheffield, Yorkshire, cutlery manufacturer, March 23 at 11, District Court of Bankruptcy, Leeds.—*John Davies*, Wellington, Shropshire, plumber, March 22 at 11, District Court of Bankruptcy, Birmingham.—*Geo. B. Brown*, Liverpool, commission-merchant, March 20 at half-past 11, District Court of Bankruptcy, Liverpool.—*Peter Loyall*, Kingston-upon-Hull, miller, March 18 at 12, District Court of Bankruptcy, Leeds.—*John Linskill*, Bridlington, Yorkshire, schoolmaster, March 18 at 11, District Court of Bankruptcy, Leeds.—*Hen. Thos. Newton*, Derby, liquor merchant, March 20 at 12, District Court of Bankruptcy, Birmingham.—*J. Ashworth*, Rochdale, Lancashire, worsted manufacturer, March 21 at half-past 11, District Court of Bankruptcy, Manchester.—*Joseph Wilson*, Manchester, warehouseman, March 21 at half-past 10, District Court of Bankruptcy, Manchester.—*Wm. Robinson*, Stones, near Todmorden, Rochdale, Lancashire, woollen manufacturer, March 21 at 12, District Court of Bankruptcy, Manchester.—*J. Bowyer*, Sutton, near Macclesfield, Cheshire, provision dealer, March 21 at 12, District Court of Bankruptcy, Manchester.—*Thos. A. Goodall*, Epworth, Lincolnshire, chemist, March 17, Court of Bankruptcy, London.—*Wm. Ashcroft*, jun., Arbour-square, Commercial-road, March 17, Court of Bankruptcy, London.—*S. Berrick*, Brighton, Sussex, hatter, March 17, Court of Bankruptcy, London.—*J. Muddell*, Freeman's-st., Cheapside, wine-merchant, March 17, Court of Bankruptcy, London.—*W. Holt*, Mansfield, Nottingham, hatter, March 17, Court of Bankruptcy, London.—*John Parker*, Manchester, coach-builder, March 17, Court of Bankruptcy, London.—*Wm. Dickson*,

Newcastle-upon-Tyne, draper, March 17, Court of Bankruptcy, London.—*Charles A. Bradbury*, Stockport, Cheshire, draper, March 17, Court of Bankruptcy, London.—*George Renoldson*, South Shields, Durham, miller, March 17, Court of Bankruptcy, London.—*Wm. Chasner*, Hinckley, Leicestershire, tea-dealer, March 17, Court of Bankruptcy, London.—*Wm. Ryland*, Liverpool, tanner, March 17, Court of Bankruptcy, London.—*Elliot Whitney*, Liverpool, soap-boiler, March 17, Court of Bankruptcy, London.—*Jas. Bonny*, Liverpool, tailor, March 17, Court of Bankruptcy, London.—*Wm. Castle*, Wanborough, Wiltshire, sheep-dealer, March 17, Court of Bankruptcy, London.—*John Luscombe*, Plymouth, and Stonehouse, Devonshire, maltster, March 17, Court of Bankruptcy, London.—*John Wilson Green*, Dartmouth, Devonshire, ship-builder, March 17, Court of Bankruptcy, London.—*Joshua Wood*, *Jas. Wood*, *Jos. Wood*, *Richd. Wood*, *John Wood*, and *Chas. Wood*, Denby Dale, Cumberworth, Silkstone, Yorkshire, fancy cloth manufacturers, March 17, Court of Bankruptcy, London.—*J. Herring* and *W. Herring*, Newcastle-upon-Tyne, merchants, March 17, Court of Bankruptcy, London.—*Richd. Thelwell*, Manchester, silversmith, March 17, Court of Bankruptcy, London.—*Henry Cridland*, Totnes, Devonshire, saddler, March 17, Court of Bankruptcy, London.—*Thos. Fraser*, Brook-street, Bond-street, Italian warehouseman, March 17, Court of Bankruptcy, London.—*John Jay*, London-wall, builder, March 17, Court of Bankruptcy, London.—*B. L. Watson*, Cornhill, London, Gordon-square, Middlesex, and Queenborough, manufacturer of flags, March 17, Court of Bankruptcy, London.

## FIAT ANNULLED.

*John Ward*, Instead, Norfolk, cattle-jobber.

## PARTNERSHIPS DISSOLVED.

*Thos. Piddocke* and *John Sawyer*, Ashby-de-la-Zouch, Leicestershire, attornies and solicitors.—*Mark Anthony Reynolds* and *Robt. Vigne*, Old Broad-street, London, attornies and solicitors.

## SCOTCH SEQUESTRATION.

*Wm. Rose*, Coatbridge, near Airdrie, saddler.

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, March 20 at 9.*

*Michael John Cameron*, Dorrington-street, and Red Lion-yard, Great Warner-street, Clerkenwell, timber merchant.—*Jabez Hen. Fisher*, Shepperton's-cottages, Islington, copper-plate printer.—*Hen. Blunden*, Holloway, cheesemonger.—*Hen. Geo. Warren*, Princes-st., St. James's, Westminster, bookbinder.—*John H. Slatter*, King's-place, Stones-end, Borough, Surrey, and Crickdale, Wiltshire, saddler.—*Hen. F. Stephens*, Red Cross-square, London, and Bodmin, Cornwall, mining agent.—*Jas. McCoan*, South Island-place, Clapham-road, Lambeth, Surrey, tailor.

## Adjourned.

*Hugh W. Watson*, Diana-place, New-road, out of business.

*Court-house, CARDIFF, Glamorganshire, March 20 at 10.*

*Llewellyn Rees*, Ty Isba, Bridgend, farmer.—*Jos. Jenkins*, Craigtrebrannos, dealer in quarry stones.—*William Thomas*, Maesteg, near Bridgend, dealer in flour.—*Dav. Preece*, Newland-farm, farmer.—*John Winstone*, Merthyr Tividil, cabinet-maker.—*Thos. Williams*, Pwllwhead, Merthyr Tividil, miner.—*Wm. Powell*, Neath, mason.—*Wm. Green*, Cardiff, stage-coachman.—*Evan Lewis*, Watertown, Coychurch, farmer.—*Wm. John*, Cwyn Major, Newcastle Lower, thatcher.—*Thos. Richard*, Watertown, Coychurch, labourer.—*Edw. Loveluck*, Watertown, Coychurch, maltster.—*John Dav. Powell*, Cardiff, baker.—*Lewis Griffiths*, Maesteg-mill, Llangonoyd, carpenter.—*Wm. Richards*, Merthyr Tividil, publican.—*S. Stourenghi*, Cardiff, dealer in marine-stores.—*Edward Evans*, Newbridge, nailer.—*Rich. Thomas*, Maesteg, near Bridgend, butcher.—*J. Jones*, Dowlais, patten-maker.

*Court-house, NORWICH, (City), March 20 at 10.*

*Edw. Mayston*, Norwich, grocer.—*Obadiah Jex*, Norwich, tallow-chandler.—*Wm. Bales*, Norwich, victualler.—*N. Jaa Howard*, Norwich, publican.—*Samuel Critchfield*, sen., Norwich, cutler.—*John Archer*, Norwich, out of business.—*H. Susanna Larks*, Norwich, out of business.—*Martha Boardman*, Norwich, out of business.—*Geo. F. Darley*, Norwich, cordwainer.—*Geo. Wm. H. Coe*, Norwich, fire-work maker.

*Court-house, NORWICH, (County), March 20 at 10.*

*John L. Cufaude*, Great Yarmouth, attorney at law.—*Rob. Gamble*, Downham-market, out of business.—*John Brock*, Great Yarmouth, fish curer.—*Edw. Catchpole*, Norwich, unemployed.—*Thos. Dow*, Woodton, near Bungay, labourer.—*Sam. Becket*, Gillingham, butcher.—*Wm. Foulsham*, Wymondham, carpenter.

*Court-house, GREAT YARMOUTH, Norfolk, March 18 at 10.*

*Rich. Kemp*, Great Yarmouth, beachman.—*James Mills*, Great Yarmouth, fish dealer.—*Th. M. Cox*, Great Yarmouth, shoe-maker.—*A. Lessey*, Great Yarmouth, tallow-chandler.—*Jos. Allerton*, Great Yarmouth, fish-dealer.—*John Alexander Gibbons*, Great Yarmouth, dyer.—*John Bartle, jun.*, Great Yarmouth, fish curer.—*S. I. Fox*, Great Yarmouth, cooper.

*Court-house, SWANSEA, Glamorganshire, March 17 at 10.*

*Thos. Herman*, Swansea, cabinet-maker.—*John Powell*, Swansea, labourer.

*Court-house, PRESTON, Lancashire, March 18 at 10.*

*Wm. Weorden*, Preston, labourer.—*Ellen Weorden*, Preston, labourer.—*John Fletcher*, Preston, weaver.—*Thomas Marsden*, Preston, labourer.—*John Singleton*, Preston, stonemason.—*Thos. Ainsworth*, Preston, warper.—*Thos. Ellwood*, Preston, machine-maker.—*T. Butcher*, Preston, plasterer.—*John Bradshaw*, Preston, labourer.—*John Pope*, Preston, spinner.—*Miles Cornthwaite*, Preston, labourer.—*Jas. Clarkson*, Preston, weaver.—*Thomas Bradley*, Preston, labourer.—*Richard Kay*, Preston, shopkeeper.—*John Taylor*, Preston, joiner.—*John Barrow*, Preston, spinner.

*Court-house, LIVERPOOL, Lancashire, March 20 at 10.*

*W. H. Cornforth*, Liverpool, ship broker.—*Mary Given*, Liverpool, out of business.—*John Green*, Liverpool, shoe-maker.—*Patrick Daly*, Liverpool, out of business.—*John M'Gregor*, Liverpool, tailor.—*Charles Lunt*, Liverpool, labourer.—*John Pugh*, Liverpool, grocer.—*John Williams*, Liverpool, joiner.—*Geo. Kenrick*, Liverpool, cutler.—*Wm. Barrow*, Liverpool, smith.—*James M'Coy*, Liverpool, shoe-maker.—*John Jones*, Liverpool, baker.—*James Smith*, Liverpool, master of a coal flat.—*Ellen Farraday*, Liverpool, out of business.—*Chas. Orton*, Liverpool, butcher.—*Chas. Broom*, Liverpool, carter.—*James Hamill*, Liverpool, tailor.—*Mich. Morrin*, Liverpool, builder.—*N. M'Vicar*, Liverpool, inn-keeper.—*Thomas Pritchard*, Lower Bebington, Cheshire, brewer.—*John Harrison*, Liverpool, warehouseman.—*H. A. Schlessinger*, Liverpool, dealer in sealing-wax.—*J. Carpenter*, Liverpool, hatter.—*W. P. Gwynson*, Liverpool, tailor.—*W. G. Bulkeley*, Liverpool, clerk to the Old Quay Company.—*E. Porter*, Liverpool, lodging-house keeper.—*John Cunliffe*, Liverpool, leather currier.—*Peter O'Neill*, Liverpool, baker.—*Fred. Vessey*, Liverpool, butcher.—*John Wheatley*, Liverpool, watch case maker.—*H. Carter*, Liverpool, dealer in tea.—*Thomas O'Neill*, Liverpool, labourer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Henry Walker*, Sedgfield, Durham, grocer, Bennington's, Stockton-upon-Tees: 6s. 2½d. in the pound.—*Nathaniel Brown*, Norwich, captain, on half-pay, March 27, Dawson's, Holt, Norfolk: 2s. 2d. in the pound (in addition to 10s. by former div.).

#### MEETINGS.

*Rich. Cloud*, Hammersmith, stage-coach proprietor, March 18 at 3, Cross's, Surrey-st., Strand, div.—*Richard Parker*, Natchlongh, near Hebden-bridge, Yorkshire, clog and patten maker, March 13 at 12, No. 16, George-st., Halifax, sp. aff.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*Robert Needham*, of Manchester; *Charles Greensall*, of Birmingham.

**MEMBERS RETURNED TO SERVE IN PARLIAMENT.**—*The Hon. James Pierce Maxwell*, for the county of Cavan, in the room of *Henry John Clements*, Esq., deceased.—*Charles Powell Leslie*, Esq., for the county of Monaghan, in the room of the *Hon. Henry Robert Westens*, now Lord Rosemore, a Peer of the kingdom of Ireland.—*John Boyd*, Esq., for the borough of Coleraine, in the room of *Edward Litton*, Esq., who has accepted the office of one of the Masters in Chancery in Ireland.

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# The Jurist

No. 321.

MARCH 4, 1843.

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LONDON, MARCH 4, 1843.

THE House of Commons appears to be again on the eve of plunging into a warfare, in which defeat will be most fatal, and victory scarcely less pernicious; for, if we ~~mark~~ <sup>reach</sup> into the principle of the question of privilege, which is again raised, we shall not fail to perceive, that the result of any prolonged discussion and contest must inevitably be, that the House will be drawn on, step by step, till it finds itself in such a position, that it must either yield its much-contested claims, or enforce them by such exertions of power, as will inflict a deep blow on the authority of a body, whose whole strength depends on its being the constitutional representative of the liberties of the people, and being in public opinion identified with them.

We allude of course to the contest again apparently about to arise on the question, whether the House of Commons shall, and in what mode it shall, withdraw from any other jurisdiction all inquiry into acts done by its officers under its order. The question arises on the present occasion in this way. One Thomas Burton Howard having been taken into custody, and conveyed to Newgate by the Serjeant-at-arms and messenger of the House of Commons, by virtue of an order of that House, and under the Speaker's warrant, for a breach of privilege, has brought against the officers of the House an action of trespass; and the Serjeant-at-arms and messenger now ask the direction of the House how they are to proceed. It will be seen by our Parliamentary Summary, that the course recommended by the Solicitor-General is, that the House should permit their officers to plead to the action; and that that course is strenuously opposed by a very eminent lawyer, on the ground, that, to do so, will be to surrender the jurisdiction to determine what are the privileges of the House into the hands of the Courts of Law, and through them to the House of Lords, as a court of appeal. The-

oretically, the difference between the two propositions is scarcely anything, because, while the learned Solicitor-General advises the submission of the question *pro hac vice* to the jurisdiction of a court of law, he does so on the express ground, that the House of Commons has an undoubted right *by law* to judge of its own privileges, and to commit for breach of them; and therefore, that the court of law will not entertain the question in the face of the Speaker's warrant. He therefore in theory adopts the principle contended for by those who oppose his plan of proceeding, that the House is the only judge of what are its privileges. But in point of practical effect there seems a wide difference between the two courses proposed. The one, assuming that the law supports, in the particular case, the claim of the House, asserts nothing, except in reference to that particular case; and if the court of law, having jurisdiction thus given or conceded to it in the specific action it is about to try, should decide, contrary to all expectation, in such a manner as to negative the claim of the House in that action, the House will, although miscarrying on that occasion, have yielded nothing of its right to assert on any subsequent occasion the general principle. While any proceeding, founded directly on the principle, that the House will suffer no judgment on its privileges except its own, as it would proceed on the broad and general assertion of a right, so it would seem necessarily to involve the absolute vindication, or the absolute and permanent concession of that right.

What would be the result of such a contest in the main, is not we think difficult to foresee. If the House does not permit its officers to act in any manner in the defence to the action, or in any manner to bring before the court of law the authority of the House, the plaintiff must of course succeed in his action; and then comes that succession of what may be termed almost personal contests, which can scarcely fail to place the House in

the position of appearing to exercise an arbitrary and harsh authority. It must be recollected, that if once the action is allowed to go on in default of defence, all the subsequent proceedings at law must inevitably take place, provided the plaintiff is bold enough and firm enough to give the requisite directions from time to time, in defiance of the terrors of commitment for contempt; for all that the House can do is to treat the several parties acting as guilty of contempt. As long as there is an attorney willing to instruct counsel, counsel willing to move the court, and officers of the court to execute the orders that the court must pronounce, the different proceedings up to payment of damages, in fact, up to final success of the plaintiff in the action, must go on. And though the House can stay particular parties from acting by its process of contempt, unquestionably it cannot, in the ordinary exercise of its power, stop the action. So that if the plaintiff in such a case remains undeterred, the question must at length come to this, whether the House would think fit to exercise its authority to commit, to the extent of committing common men, such as attorneys and counsel, by the score, and at length of committing the Judges themselves; and that, not for doing acts which, as regards any of them, they may or may not do as honest men, but acts which some are bound to do by the acknowledged rule of their profession, and others by their very oaths of office. There can be no question, we apprehend, that a Judge, who from fear of commitment by a branch of the Legislature should refuse to make such order as by the law of his court he is bound to make, would be liable to be removed from his office; and we entertain not much more doubt that a barrister, who, being duly instructed, should from a like fear refuse to move the court on behalf of a client, of whose legal right to apply he entertained no doubt, would be held to have departed from his duty to the profession and to the public, would suffer a corresponding process of contempt at the hands of the Bar.

That the House should prolong a contest to such extremes seems in fact an absurd anticipation; yet it is plain, that, provided the plaintiff be obstinate, to such extremes it must proceed, or submit to be *de facto* defeated.

The truth seems to be, that, whether such privilege exists in point of law or not, the principle of it is so little founded in reason, that though it may bear to be asserted, it will scarcely bear to be acted upon. When it is said that either branch of the Legislature is the exclusive judge of its own privileges, if it be meant that the mere assertion by the House that a particular privilege exists, shuts out all inquiry by any other body in the state whether it does or does not, and that all other authorities must thereupon assume its existence; of course, that is in effect to say, that such branch of the Legislature can by the mere exercise of its will create a privilege. It is in vain to say that no danger can ensue, because each branch of the Legislature founds its privileges on its practice or usage. For if we once concede to the full extent the principle contended for, either House must necessarily have power to assert, that, among other privileges, it has that of dispensing with its subordination to precedent; and in fact there seems no middle course between adopting the principle that the

privileges of Parliament are a portion of the law; and, therefore, that the courts of law, who are the depositaries and expounders of the law, must have jurisdiction to determine what alleged privileges are part of the law; and adopting the principle that the privileges of Parliament are creatures of its will, and therefore that each branch of the Legislature is for some purposes perfectly absolute and irresponsible.

It has been attempted, in the arguments on this subject, to assimilate the privilege claimed by either House to that exercised by the Court of Chancery; and in the late debate, as in former ones, *Frowd v. Lawrence*, (1 Jac. & W. 655), and other cases of that class, (*Bailey v. Devereux*, 1 Vern. 269, &c. &c.), were cited. But in the first place it must be remembered, that the exercise of the jurisdiction by the Court of Chancery to restrain parties from seeking redress against the acts of its officers in other tribunals than its own, has been exercised by each succeeding Judge, not because he thought it reasonable, but because he found it established; and because Judges hold themselves not at liberty to depart on their own notions of what may be rational, from what they find the established rule of the court. But so far from approving the rule, both Lord Eldon and Lord Brougham have expressed themselves strongly on the extent of the jurisdiction. (See *Frowd v. Lawrence*, and Lord Brougham's observations in *Aston v. Heron*, 2 My. & K. 390).

Secondly, it must be observed, that the Court of Chancery, in asserting such a jurisdiction, only ventures to exercise it, on the ground that it has within itself as complete powers for administering justice to the party according to law, as the Court from which it withholds the consideration of the case; and it must also be remembered, that there is an appeal from it to a Superior Court, if it has improperly exercised its jurisdiction. But neither branch of the Legislature, as such, is in this position; for neither House is as such a Court of Law at all—the members are not sworn to administer the law; they may, if they think fit, of course adhere to the rules of the law; but they are not in any sense bound by them\*; and although undoubtedly it may be easy to imagine that a body of gentlemen might come to a very fair and even generous decision, as to the relief due to a person improperly imprisoned or otherwise unjustly treated by their orders, yet it must be to their honour as gentlemen and their mercy as men that he must trust. To their duty as administrators of the law he plainly cannot address himself; and as against such a jurisdiction exercised by such a body, not bound by any rules of law,—not bound by any oath of office,—and not subject to any appeal,—he can in fact have no legal rights whatever. Hence it is, we apprehend, that such a jurisdiction, monstrous though it be in the hands of any public functionaries, is endurable when administered by a Court of Equity, while it could hardly, we imagine, be exercised to any extent by a merely Legislative body, without degenerating into insupportable tyranny.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—Henry Abbott, of Long Ashton, Somersetshire; Thomas Nettleton, of Leeds.

\* We are of course here speaking of the general law of the land; not of that peculiar and mystic law, the *lex Parliamenti*, known only, as the books have it, to Parliament men.

## OF THE PRACTICE IN EQUITY AS TO THE PROTECTION OF THE OFFICERS OF THE COURT AGAINST PROCEEDINGS IN OTHER COURTS.

As the class of cases in which the Court of Chancery has interfered to prevent inquiry by any other court, into a wrong or alleged wrong committed under its orders, and by its officers, is not, perhaps, so generally known as the cases at law in which the question whether the authority of the House of Commons for the committal of a party for breach of privilege, is of itself sufficient to shut out inquiry elsewhere, whether the privilege, the alleged breach of which constitutes the contempt, is a legal privilege or not; and as the ground and nature of those cases in Equity have been somewhat misunderstood, in arguments which have taken place out of the Courts of Equity on the subject of privilege, it may be at the present moment not uninteresting to our readers to review them.

The first in point of date, of which we believe there is any trace, is *Bailey v. Devereux*, (1 Vern. 269), in 1684. The plaintiff moved ex parte for an injunction to restrain the defendant from proceeding in an action which he had brought for false imprisonment, on an affidavit, stating that the defendant was taken upon a commission of rebellion for want of answer, and brought to town, where he entered his appearance at the Registrar's Office, when an arrangement was entered into to compromise the suit, and the defendant was thereupon discharged; and that afterwards, nevertheless, he had brought an action. The court granted the injunction.

The defendant then moved to dissolve it on the ground that, after he had been discharged, he found that the process against him, under which he had been so taken and brought to town, was irregular, as he had in fact never been in contempt, and thereupon he brought his action against the plaintiff, and against the officer of the court. On this the court referred it to the Master to certify as to the question of irregularity, the defendant to proceed to trial unless cause shewn by the plaintiff; and in the meantime to be at liberty to prepare for trial. (See also 1 Jac. & W. 660, n. (a)).

The next case is *May v. Hook* (see Dick. 619, and Reg. Lib. 1773; see also 1 Jac. & W. 663). In that case, Hook the defendant being decreed to give up possession of the real estates in the cause to the plaintiff, was arrested under a writ of attachment sued out against him by the plaintiff. The plaintiff then moved for an injunction to enjoin him to deliver possession; and the court ordered that Hook should be discharged out of custody, the plaintiff to pay the costs of the motion and of the attachment; and granted the injunction to compel him to deliver possession, determining therefore, in effect, that the attachment and arrest were irregular. Afterwards the defendant Hook brought an action against the plaintiff for assault and imprisonment; and on a motion by the plaintiff to restrain that action, the court, on the plaintiff submitting to make to the defendant such satisfaction for his imprisonment on the attachment as should be approved by one of the Masters of the court, referred it to the Master to consider what would be a reasonable satisfaction to the defendant.

The nature of the jurisdiction exercised in both these cases is clear, but the ground on which it is exercised is not stated. Whether the court proceeded on the notion of its privilege, or on the inconvenience of committing to a Court of Law the inquiry, whether the process of the Court of Chancery had been either irregularly issued or irregularly executed, we are left to conjecture. Probably in the first case the inconve-

nience was the ground, as in that case the court did not at once determine whether the arrest had or had not been regular; but in the second the court had itself pronounced the arrest irregular.

No case on this subject we believe occurred after *May v. Hook* till *Frowd v. Lawrence*, the case before Lord Eldon, (1 Jac. & W. 655\*). That case was similar to *May v. Hook*. The defendant had been taken into custody under an attachment, which was set aside on motion for irregularity, with costs. The defendant then brought an action against the plaintiff and the sheriff for false imprisonment, and another against the plaintiff for maliciously suing out the attachment; and Lord Eldon, on the authority of the two cases already cited, granted an injunction to restrain the defendant from proceeding in the actions, without prejudice to any application by him to the court for compensation, his Lordship observing, "that the jurisdiction was very strong, but he was not at liberty to give it up."

The next case is *Aston v. Heron*, (2 My. & K. 390), before Lord Brougham, C., in 1831. In that case a receiver had been appointed by the court of certain estates; he put in a distress for rent on the premises of one of the tenants, and the distress was levied without any complaint or allegation of irregularity. The tenant then brought an action of trespass against the receiver and the bailiff who made the levy; and the question, whether that action should be restrained, came first before the Vice-Chancellor, Sir L. Shadwell, and afterwards before Lord Brougham. His Lordship, after discussing very elaborately, and with his usual penetration, the whole doctrine, sustained the injunction, not without strong observations on the nature of such a jurisdiction as that exerted in *Frowd v. Lawrence*. "What indeed," he observes, "is it but saying, a subject has been falsely imprisoned, and that he shall have no remedy before a jury, because the injury done was committed in executing the process of the Court of Chancery?" (2 My. & K. 391). Lord Brougham, however, was not satisfied with animadverting on the quality of the jurisdiction, but laid down a distinction, which has the effect of materially contracting the circle of its exertion. Admitting the jurisdiction to reside in the court, he said that the court was not bound to exercise it except when the title of its officers was disputed; but whenever the action was brought on the ground, not that the order of the court did not constitute a title in the officer, but on the ground that the officer had irregularly or oppressively, and therefore illegally, executed its orders, then, his Lordship held, that the court need not exercise its jurisdiction. And accordingly, he said, in the principal case, that if the facts of the case had disclosed any specific irregularity in the proceedings of the receiver, his title not being questioned, he should have allowed the action to proceed; and he restrained it on the ground, that the affidavits merely made a vague and general allegation, that the distress was irregularly and illegally levied.

Since this, several cases have occurred in which the jurisdiction has been fully recognised and acted upon. (*Es parte Clarke*, 1 Russ. & M. 563; *Philips v. Worth*, 2 Russ. & M. 638; *Bricknell v. Rumford*, 1 Beav. 368; and *Chalk v. Pickering*, 1 Keen, 749).

In all the foregoing cases, except *Es parte Clarke*, which will presently be noticed, it is to be observed, that the parties acted upon were parties to the suit, in

\* There is however an old case (*Woodward v. Earl of Lincoln*, 3 Swans. 626) somewhat bearing on the point, in which the court held it a contempt in a party against whom an injunction to quiet possession had issued, to assist a justice of the peace in making restitution on a forcible entry. Here the act of the justice was lawful, and therefore it was not unlawful that the party should assist him. But the ground was, that, in the party who was under an order of the Court of Chancery, it was contempt to disobey that order in any manner.

which the order had been made, the irregularity or irregular execution of which afforded the ground of their bringing actions at law. And the arbitrary character of the jurisdiction appears much weakened by that circumstance; because it seems to shew that it rests not exclusively on the doctrine that the court will not suffer the acts of its officers to be questioned, except by itself; but partly on the doctrine which we believe is adopted *ex necessitate* by all courts of justice, that, when parties bring themselves as plaintiffs before a court, or are brought before it as defendants by acts falling within its admitted and settled jurisdiction, they thenceforth admit and submit to its jurisdiction, and therefore are bound by its order, and cannot treat them as nullities. If they are irregular, the court that made them must be applied to to discharge them; and if they are irregularly executed, of that fact the court, whose jurisdiction the parties have submitted to, is the proper judge.

But in *Ex parte Clarke*, (1 Russ. & M. 563), the jurisdiction was carried a step further. There, the case was, that a commission of rebellion issued against Henry Clarke, one of the defendants in a cause of *Hichens v. Congreve*; and the commissioners receiving information which led them to believe that he was harboured by his brother Charles Clarke, who was not a party to the suit, they went to the house of Charles Clarke, and then, notwithstanding his assertion that his brother was not in the house, insisted upon searching and did search it; and thereupon Charles Clarke gave them in charge to the watch, and afterwards brought an action against one of the commissioners for trespass in forcibly entering his house. The Vice-Chancellor, and subsequently Lord Brougham, C., held, first, that Charles Clarke was guilty of contempt of the court in assisting in taking to the watch-house persons armed with the authority of the court; and secondly, that the court would restrain him from proceeding at law against the commissioner, without prejudice, however, to any application which either party might make to the court. From the language of Lord Brougham it would seem, that one ground of his determination was the inconvenience of an inquiry in a court of law and by a jury, as to the extent of authority of a commissioner acting under a commission of rebellion issuing out of Chancery. But he also appears to have put it partly on the broad ground of the authority of the court to interfere when an action is brought against one of its officers, and that without any limitation depending on whether the party acted upon is a party to the suit or not.

Undoubtedly this case goes further than the preceding authorities; for though it is clear that a person not a party may be guilty of a contempt by interfering to oppose an order of the Court of Chancery, and may be committed for that contempt, it is a much stronger thing to say, that a mere stranger to a suit, being in no way brought within the jurisdiction of the Court of Chancery, shall be, not punished for volunteering opposition to an order of the court, but restrained from questioning in the ordinary course of law, the legality of an act of its officers by which he suffers. Still, as it was decided by two Judges of the court successively, without any hesitation, and has not been disapproved in the subsequent cases, we apprehend that its authority is not to be questioned; and the result of all the cases is, therefore, that the Court of Chancery does undoubtedly exercise jurisdiction to prevent persons, whether before the court or not as parties, who are aggrieved by the acts of its officers, from seeking redress in any tribunal other than the court itself, providing however by its own process for doing justice to the complainant, if the orders of the court have been either irregular in themselves or irregularly exercised by its officers.

C. S. D.

## Imperial Parliament.

### HOUSE OF COMMONS.

Monday, Feb. 27.

The Serjeant-at-arms appeared at the bar, and claimed the protection and direction of the House in reference to the steps to be taken by himself and a messenger of the House in an action brought against them by Thomas Burton Howard, for having taken him into custody and conveyed him to Newgate. The act of the Serjeant-at-arms and the messenger was under the order of the House and the Speaker's warrant. They had been served with a writ of summons to appear to an action of trespass, and had entered an appearance. They claimed the direction of the House as to their subsequent proceedings.

The papers laid before the House by the Serjeant-at-arms were ordered to be printed; and *The Solicitor-General* gave notice that he should on the following day (Tuesday) submit to the House a motion on the subject.

The Registration Bill was read a second time.

The Apprehension of Offenders Bill and the Punishment of Death Bill were also read a second time.

The second reading of the Ecclesiastical Courts Bill was postponed till Monday (the 6th March).

Tuesday, Feb. 28.

Pursuant to notice, the Solicitor-General rose to submit a motion to the House on the subject of the action brought by Mr. Howard against the Serjeant-at-arms and his messenger. The honourable and learned Gentleman said, that the House might adopt either of two courses. The first was, to order the defendants not to plead. In that case, the court of law not knowing the grounds on which the officers of the House had acted, judgment would go as of course by default. The next step would be for the sheriff to assess damages, and there being no explanation of the trespass, the jury would probably give heavy damages. The House would then, in order to protect its officers, have to summon to the bar the plaintiff and his attorney; but that would not stop the action; and the result would be, that they could not stop the ultimate payment of the damages. The other course was, to direct the officers of the House to plead to the action, and to state to the court of law, that the alleged trespass was committed by order of the House, and under the Speaker's warrant. He was sure the court, who was bound to administer the law of the land, would, as part of the law of the land, respect the privileges of the House of Commons. This was the course which had, in all the recent instances, at least for the last thirty or forty years, been pursued in similar cases by the House. The learned Member referred to the case of "*Burdett v. Abbott*" in 1810, and to later precedents, followed under the advice of the present Lord Campbell, when that learned Lord was Attorney-General to the late Government. He apprehended, if this course were pursued by the House, there could be no question about that which would be pursued by the court of law, as he thought no question could now arise whether the House had a right to decide on its own privileges, to vote a party guilty of a breach of privilege, and to commit such party. Therefore, if the authority of the House were pleaded, there would be an end of the action. He concluded by moving, that "the Serjeant-at-arms and William Bellamy be allowed to appear and plead to the action."

Sir T. Wilde in an able and learned speech controverted the doctrine of the Solicitor-General, that the course recommended by him was supported by precedent. On the contrary, the learned gentleman stated, that with the exception of a few recent cases, the practice of the House had been entirely the other way. The practice established by *Burdett v. Abbott*, he contended, ought to be avoided as a warning rather than followed as an example; for what it led to was this, that it brought before the court of law the very question what were the privileges of the House, and that question was carried by writ of error to the House of Lords, so that that House became the arbiter of the privileges of the Commons of England. He contended that it is essential that each House should possess an independent and integral jurisdiction over its own privileges; and cited several cases where actions being brought against the officers of the House of Lords, that House had called to its bar the plaintiffs and their attorneys, and informed them that if the actions were not discontinued they would be committed. He distinguished in some measure the particular circumstances of the case of *Burdett v. Abbott*, and the late case of *Howard*



*v. Gosset*, from the present; the former because it was advised at a time when the privilege contended for by the House, was contended for under such circumstances, that the government of the day feared to appeal to the country, and the House thought its privilege safer in the hands of a court of law than in those of the country. The second, because the question of actual privilege was not brought into consideration, but only that of excess in the execution of it by the officers of the House, whereas the present case would bring into discussion by the court of law the positive question of the privilege of the House. The learned gentleman concluded by urging the House not to adopt the course recommended by the Solicitor-General.

After a short conversation it was agreed that the Serjeant-at-arms and the messenger should obtain further time to plead, on the understanding that by that step the House waived nothing, in order to give time to search for precedents, and that the debate should be resumed on Tuesday, the 7th inst.

### London Gazette.

TUESDAY, FEBRUARY 28.

#### DECLARATION OF INSOLVENCY.

RICHARD BODDINGTON, Liquorpond-street, Gray's-inn-lane, ironmonger.

#### BANKRUPTS.

FREDERICK JOHN MANNING, Dyers-buildings, money-scriver, March 7 and April 7 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Tippetts, Pancras-lane.—Fiat dated Feb. 24.

LIONEL EVERET PARKINS, Bicester-market-end, Oxfordshire, chemist and druggist, March 7 at 12, and April 7 at half-past 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. King & Son, Buckingham; Maugham & Kennedy, Chancery-lane.—Fiat dated Feb. 17.

WILLIAM HARRUP SWAIN, Farnham, Surrey, draper, March 9 at half-past 1, and April 11 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Reed & Shaw, 2, Friday-street.—Fiat dated Feb. 25.

MARY EVANS, JOHN EVANS, and THOMAS HOWARD EVANS, Old-street-road, paper-stainers, March 10 at 2, and April 11 at 1, Court of Bankruptcy, London: Off. Ass. Alagar; Sol. Wollen, 30, Bucklersbury.—Fiat dated Feb. 22.

JAMES EARP, St. George's-place, Camberwell-road, Surrey, licensed victualler, March 9 and April 25 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Turner, Southampton-buildings.—Fiat dated Feb. 23.

JOHN WELLINGTON JONES, Calne, Wiltshire, tailor, March 9 at 1, and April 10 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Cox, Pinners'-hall, Old Broad-street.—Fiat dated Feb. 17.

WILLIAM EDEN, Queen-street, and Well-court, Cheap-side, printer, March 10 at 2, and April 12 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Crafter, 163, Blackfriars-road.—Fiat dated Feb. 24.

JAMES STUBBS, Worthing, and Brighton, Sussex, coach-maker, March 7 and April 5 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Williams, 31, Alfred-place, Bedford-square.—Fiat dated Feb. 23.

JOHN TODD, Hylton-ferry, Durham, ship-builder, March 8 at 11, and April 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Kidson & Sons, Sunderland; Meggison & Co., 3, King's-road, Bedford-row.—Fiat dated Feb. 18.

JOSEPH BURGHALL, Rowton-bridge, Christleton, Cheshire, coal-dealer, March 6 at 11, and April 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Harper & Jones, Whitchurch, Shropshire.—Fiat dated Feb. 10.

JOHN STEPHENSON and WILLIAM HASTE, Bradford, Yorkshire, machine-makers, March 14 and April 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Blackburn, Leeds.—Fiat dated Feb. 18.

WILLIAM YATES NORTON, Birch-hills, Bloxwich, Staffordshire, retail brewer and coal-master, March 9 at 12, and April 3 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Brown, Bilston.—Fiat dated Feb. 20.

#### MEETINGS.

Thos. Pearson, Liverpool-road, Islington, builder, March

10 at 1, Court of Bankruptcy, London, ch. ass.—*Jas. Barnes*, Jermyn-st., St. James's, lodging-house keeper, March 9 at 11, Court of Bankruptcy, London, last ex.—*Richd. Jas. Webb*, Piccadilly, tailor, March 10 at 12, Court of Bankruptcy, London, last ex.—*W. Pye*, Eagle Saw Mills, Old Brompton, and Barnes, builder, March 9 at 11, Court of Bankruptcy, London, last ex.—*John Bennett*, Reading, Berkshire, railroad contractor, March 22 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—*Richd. Dunn* and *Richd. Dacre Dunn*, Wakefield, Yorkshire, corn-factors, March 8 at 12, District Court of Bankruptcy, Leeds, last ex.—*Robt. Barnes*, Newcastle-upon-Tyne, tanner, March 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Edwd. M' Coy*, Well-court, Queen-st., London, and Iryon's-place, Hackney, Middlesex, stationer, March 23 at 1, Court of Bankruptcy, London, aud. ac.—*Walter Elphick*, West Ham, Sussex, farmer, March 23 at 3, Court of Bankruptcy, London, aud. ac.—*Hen. Rogers* and *Fredk. Rogers*, Finch-lane, Cornhill, wine-merchants, March 23 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Hen. Robt. Abbott*, Throgmorton-st., broker, March 23 at 2, Court of Bankruptcy, London, aud. ac.—*Thos. Wells*, Mincing-lane, sugar-broker, March 23 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Harry Goude*, Leicester, and Harper-street, Red Lion-square, Middlesex, seedsman, March 23 at 11, Court of Bankruptcy, London, aud. ac.—*Elizabeth Caroline Knuppel*, Haymarket, hotel-keeper, March 23 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. Manning*, High-st., Camden-town, grocer, March 23 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*John Bear*, Ramsgate, Kent, draper, March 23 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Geo. W. Farmer*, Tavistock-street, Covent-garden, jeweller, March 14 at 2, Court of Bankruptcy, London, aud. ac.; March 21 at 2, fin. div.—*Wm. Edwards*, Ligonier's Head, Fisher-lane, Greenwich, coal-merchant, April 1 at 12, Court of Bankruptcy, London, aud. ac.; April 8 at 1, div.—*Jos. Phillips*, Hercules-passage, Threadneedle-st., tavern-keeper, March 22 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Stone* and *Robt. Blake*, Bristol, tailors, March 22 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Charles Fish*, Lincoln, butcher, March 23 at 12, District Court of Bankruptcy, Leeds, aud. ac.—*Thos. Houson*, Leeds, Yorkshire, grocer, April 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Charles James Twunley*, Liverpool, share-broker, March 24 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*Susan Willoughby* and *Benjamin Willoughby*, Birmingham, brassing manufacturers, March 24 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Edward Glover*, jun., Leicester, ironmonger, March 24 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Edward Dunn*, Wolsley, Colwich, Staffordshire, innkeeper, March 24 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Edward Milnes*, Bradford, Yorkshire, innkeeper, March 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.; March 31 at 11, div.—*Wm. Thomas*, Bristol, tailor, March 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Charles Newman*, Scrips, Little Coggleshall, and Great Coggleshall, Essex, and Llanon, Carmarthenshire, miller, March 24 at 11, Court of Bankruptcy, London, div.—*Joseph Mould*, Newgate-street, cheesemonger, March 23 at half-past 11, Court of Bankruptcy, London, div.—*Frederick Newcomb*, Newgate-market, carcase butcher, and Theberton-street, Islington, ham and beef-shop keeper, March 23 at half-past 12, Court of Bankruptcy, London, div.—*A. M. Terry*, New Broad-st., cook and confectioner, March 23 at half-past 11, Court of Bankruptcy, London, div.—*George Edmund Cartwright*, Marlow, Buckinghamshire, chemist, March 22 at 1, Court of Bankruptcy, London, div.—*Alfred Rabett* and *Saml. Fuller*, Gutter-lane, Cheapside, warehousemen, March 22 at 2, Court of Bankruptcy, London, div.—*Edward C. Taylor*, Albany-st., Regent's-park, fishmonger, March 24 at 12, Court of Bankruptcy, London, div.—*Henry Heward*, Waltham-cross, Hertfordshire, innkeeper, March 24 at 1, Court of Bankruptcy, London, div.—*Thomas Hooper*, Hay, Breconshire, chemist, March 23 at 11, District Court of Bankruptcy, Bristol, div.—*W. Barton*, St. Helens, Lancashire, watch-movement maker, March 21 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

J. Denton, St. John's-st., Clerkenwell, licensed victualler, March 23 at 2, Court of Bankruptcy, London.—*Chas. Mer-*

*shall*, Old Castle-st., Whitechapel, brewer, March 22 at 11, Court of Bankruptcy, London.—*J. S. Effe*, Lombard-st., and South-crescent, Bedford-sq., chronometer maker, March 23 at 2, Court of Bankruptcy, London.—*Eliz. C. Knappell*, Haymarket, hotel keeper, March 23 at 12, Court of Bankruptcy, London.—*Stephen Law*, Great Portland-st., St. Marylebone, March 23 at half-past 12, Court of Bankruptcy, London.—*Saml. C. Boyce*, Fenchurch-st., cheesemonger, and Rood-lane, accountant, March 22 at 1, Court of Bankruptcy, London.—*Wm. P. Mann*, Great Yarmouth, Norfolk, merchant, March 24 at 11, Court of Bankruptcy, London.—*Chas. M. Nicholson*, New Corn Exchange, Mark-lane, London, and Dockhead, Bermondsey, Surrey, corn dealer, March 22 at half-past 11, Court of Bankruptcy, London.—*Wm. J. Welsh*, Great Queen-st., Lincoln's-inn-fields, and Wells, Somersetshire, attorney and solicitor, March 22 at 11, Court of Bankruptcy, London.—*Thos. R. Atkinson*, Huddersfield, Yorkshire, woollen-cloth merchant, March 25 at 12, District Court of Bankruptcy, Leeds.—*John Richen*, Sunderland, Durham, and Kingston-upon-Hull, tinner, March 22 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Brown*, Stockton-on-Tees, Durham, ship builder, March 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Maria Groves*, York, widow, joiner, March 28 at 11, District Court of Bankruptcy, Leeds.—*I. J. T. Hayward*, Downfield, and Stroud, Gloucestershire, hop merchant, April 6 at 1, District Court of Bankruptcy, Bristol.—*Edmund Patrick*, Gloucester, dealer in salt, March 27 at 11, District Court of Bankruptcy, Bristol.—*Charles Kenrick*, Liverpool, draper, March 21 at 12, District Court of Bankruptcy, Liverpool.—*William Robins*, Stone, Staffordshire, ironmonger, March 23 at half-past 11, District Court of Bankruptcy, Birmingham.—*T. Millington*, Nottingham, sail manufacturer, March 28 at 11, District Court of Bankruptcy, Birmingham.—*James Brown*, Wolverhampton, grocer, March 18 at 12, District Court of Bankruptcy, Birmingham.—*James Senior*, Kirkheaton, Yorkshire, manufacturer of fancy cloths, March 25 at 12, District Court of Bankruptcy, Leeds.—*Edward Davies*, Great Crosby, Lancashire, blacksmith, March 22 at 11, District Court of Bankruptcy, Liverpool.—*Joseph Banks* and *Joseph Burgess*, Manchester, drapers, March 22 at 12, District Court of Bankruptcy, Manchester.—*Robert Butterworth*, Bank Hey, Rochdale, Lancashire, woollen manufacturer, March 28 at 12, District Court of Bankruptcy, Manchester.—*Geo. Tennant*, Wigan, Lancashire, maltster, March 21, Court of Bankruptcy, London.—*Robt. Brooks*, St. Albans, Hertfordshire, grocer, March 21, Court of Bankruptcy, London.—*Wm. Rayner* and *John Rayner*, Uxbridge, and Hillingdon, seed crushers, March 21, Court of Bankruptcy, London.—*Saml. Sedgley*, Dudley, Worcestershire, grocer, March 21, Court of Bankruptcy, London.—*Geo. Howarth*, Halifax, Yorkshire, corn dealer, March 21, Court of Bankruptcy, London.—*George Swires*, Hightown, Birstal, Yorkshire, merchant, March 21, Court of Bankruptcy, London.—*Jas. Wm. Addison*, Southampton, provision agent, March 21, Court of Bankruptcy, London.—*F. Kirkham Fowell*, Boulogne-sur-Mer, France, and Piccadilly, Middlesex, wine merchants, March 21, Court of Bankruptcy, London.

## FIAT ANNULLED.

*Charles Bailey*, Berkhamstead St. Peter, Hertfordshire, painter and plumber.

## SCOTCH SEQUESTRATIONS.

*James Dunn*, Glasgow, fletcher.—*Wm. Miller*, Rutherglen, victualler.—*Geo. Michie*, Dingwall, grocer.—*Peter Gordon*, Arbroath, house-carpenter.—*Jas. Webster*, Esq., dec., Balraddery, Forfarshire.—*Hugh Hamilton*, Kilmarnock, Ayrshire, innkeeper.—*Joseph Beck and Sons*, Dumfries, coach builders.

## INSOLVENT DEBTORS.

Saturday, Feb. 25.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Enoch Beal*, jun., Sheffield, scissor-smith, No. 61,855 C.; *Rich. A. Smith*, assignee.—*Francis Burrell*, Leeds, butcher, No. 61,560 C.; *Abraham Jenkinson*, assignee.—*G. Gwynne*, Princes-street, Cavendish-square, experimental and operative chemist, No. 54,549 T.; *Sam. Hill* and *Alex. M'Glashan*, assignees.—*Margaret Wilson*, Park-street, Gloucester-gate, Regent's-park, widow, No. 54,200 T.; *Hen. De Grey Warter*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, March 21 at 9.*

*Robt. Nicol*, Little Marlborough-street, Oxford-street, carpenter.—*Hen. Marquis*, Stebon-heath-terrace, Salmon's-lane, Limehouse, commission-agent.—*John Spence*, Johnson-street, Somers'-town, coach-painter.—*Owen Price*, Earl-street, Kensington, shoe-maker.—*Isaac Kalischer*, Percival-st., Goswell-street, general-dealer.—*John Ashley*, Giebe-place, Martha-st., Camberwell, carpenter.—*Mich. Hendy*, Great Guilford-street, Southwark, twine-maker.—*W. Pennett*, Dorris-st., Lambeth, teacher of dancing.—*Wm. Culyer*, Cross-street, Finsbury, harness-maker.—*John B. Heeles*, Lad-lane, and Seven Sisters-road, Holloway, accountant.—*Conray Steinhards*, East-street, Hoxton-square, Hoxton Old-town, dealer in clocks.—*Frederick Chatwin*, Upper-area, Hungerford-market, Strand, seedsman.

Court-house, MONMOUTH, (County), March 22 at 10.

*Wm. Crates*, Monmouth, grocer.—*Ann Morris*, Chepstow, grocer.—*Morris Morris*, Newport, cordwainer.—*Ann Roser*, Redwick, milkmaid.—*Evan Morton*, Newport, retailer of beer.—*John E. Howell*, Tredegar Iron-works, Bedwellty, attorney's clerk.—*Nathan Webb*, Newport, carpenter.—*Walter Williams*, Pontypool, grocer.—*Wm. Ves*, Pllgwenelly, near Newport, confectioner.—*Wm. Williams*, Llanvaer, Kilgeddin, bailiff.

Court-house, CHESTER CASTLE, Chester, March 22 at 10.

*Rich. Richardson*, Northwich, victualler.—*William Ford*, Cheadle Moseley, near Stockport, victualler.—*Th. Fleetwood*, Wallasey, out of business.—*Jos. Palin*, Middlewich, publican.—*Thos. Bagaley*, Rudheath, farmer.—*Pet. Bancroft*, Northwich, grocer.—*Eaton Jones*, Malpas, plumber.—*W. Cooper*, Nantwich, baker.—*Geo. Macnamara*, Burton, shoe-maker.—*Thos. Fernaby*, Hyde, common carter.—*Thos. Pearson*, Buglawton Congleton, out of business.—*Samuel Lockett*, Sutton, near Macclesfield, publican.—*John Davies*, Barton, tailor.—*Jerem. Wardle*, Heaton Norris, Lancashire, out of business.—*Jos. Shatwell*, Macclesfield, retail-beer seller.—*Jas. Sam. Bennett*, Macclesfield, bookseller.—*Sam. Wharmby*, Stockport, beer-seller.—*Wm. Mason*, Birkenhead, bricklayer.—*J. Kitchen*, Liscard, carpenter.—*John Pearce*, Seacombe, servant man.—*Wm. Fairclough*, Liverpool, victualler.—*James Ford*, Cheadley Hulme, Stockport, publican.—*Mary Hall*, Macclesfield, out of business.—*Wm. Dearden*, Middlewich, haberdasher.—*Jas. Trafford*, Macclesfield, hatter.—*Lewis Gregory*, Birkenhead, horse-dealer.—*John Birch*, Staley, near Hyde, tin-plate worker.

Adjourned.

*Thos. L. Fletcher*, Seacombe, out of business.

Court-house, CHESTER, (City), March 22 at 10.

Adjourned.

*Uriah Jones*, Chester, out of business.

*Steph. Thos. Mouldale*, Chester, articulated clerk to an attorney.—*Edw. Williams*, Chester, dealer in snuff.—*G. Walker*, Chester, out of business.—*Thomas Crimes*, jun., Chester, carpenter.—*Edw. M. Roulston*, Chester, baker.—*Darby Keeley*, Chester, in no business.

Court-house, LYNN, Norfolk, March 23 at 10.

*Robert Rudland*, King's Lynn, maltster.

## INSOLVENT DEBTORS' DIVIDENDS.

*John Cole*, jun., Warwick, shoe-maker, Tibbits, Warwick: 4s. 1½d. in the pound.—*Geo. Anderson*, Chatham-pl., Blackfriars, surgeon, Cohen's, York-place, Old Kent-road: 1s. 1d. in the pound.

## MEETINGS.

*Benj. N. Price*, Ross, Herefordshire, gentleman, April 12 at 12, Fountain Inn, Gloucester, sp. aff.—*John Wm. Ashley*, Euston-grove, Euston-square, gentleman, March 20 at 12, Radley's New London Coffee-house, Bridge-st., Blackfriars, sp. aff.—*Thos. Chittenden*, Wye, near Ashford, Kent, cooper, March 16 at 11, Amos's, Wye, sp. aff.

## FRIDAY, MARCH 3.

## BANKRUPTS.

ALEXANDER YEATMAN and AUBREY LUNN, Fore-street, chemists and wholesale druggists, March 11 at 1, and April 11 at 11, Court of Bankruptcy, London: Off. Asst. Alasager; Baron & Cullen, Bloomsbury-square.—Fiat dated Feb. 24.

**EDWARD AUSTEN**, Walmer, Kent, grocer, March 14 at half-past 10, and April 14 at 11, Court of Bankruptcy, London: Off. Ass. Turgand; Sol. Waller, jun., Finsbury-circus.—Fiat dated Feb. 24.

**PETER SPURR PARKIN**, Robert-st., Chelsea, and Upper Ebury-street, ironmonger, March 10 at 2, and April 11 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Blake & Lewis, Essex-st., Strand.—Fiat dated Feb. 24.

**WILLIAM STREETER**, Brighton, Sussex, licensed victualler, March 16 at 11, and April 25 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Blake & Tamplin, King's-road, Bedford-row.—Fiat dated Feb. 25.

**JEREMIAH NETTLETON BALME**, Leeds, Yorkshire, woolstapler, March 14 at 1, and April 4 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Morris, Bradford; B. & J. Lawrence, 25, Old Fish-street.—Fiat dated Feb. 25.

**WILLIAM BURY**, Blackburn, Lancashire, grocer and corn dealer, March 22 and April 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Howard & Harrison, Preston; Wilkinson & Kenyon, Blackburn; Wiglesworth & Co., 5, Gray's-inn-sq.—Fiat dated Feb. 25.

**WILLIAM EMERY**, Halifax, Yorkshire, corn-merchant and commission-agent, March 13 and April 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Stocks & Macaulay, Halifax.—Fiat dated Feb. 20.

**STEPHEN DICKINSON**, Huddersfield, Yorkshire, clothes dealer and retailer of beer, March 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Battye & Clay, Huddersfield; Sykes, Leeds.—Fiat dated Sept. 4.

#### MEETINGS.

*Chas. Aug. Cantor*, Upper Montague-street, Montague-sq., merchant, March 16 at 11, Court of Bankruptcy, London, pr. *J. Lewis*, Fernhill, Shropshire, draper, March 27 at 11, District Court of Bankruptcy, Birmingham, ch. ass.—*Henry Clapham*, Liverpool, woollen draper, March 24 at 11, District Court of Bankruptcy, Liverpool, last ex.—*John Jay*, London-wall, builder, March 24 at half-past 11, Court of Bankruptcy, London, sud. ac.—*W. Cock*, Bungay, Suffolk, grocer, March 24 at 11, Court of Bankruptcy, London, sud. ac.—*Anth. G. W. Biddals*, *John Wright*, *Hen. Robinson*, and *Edm. Wm. Jerningham*, Henrietta-street, Covent-garden, bankers, March 18 at half-past 2, Court of Bankruptcy, London, sud. ac.; March 25 at 1, div. sep. est. *J. Wright*.—*John Thorp*, Manchester, merchant, March 24 at 11, District Court of Bankruptcy, Manchester, sud. ac.—*Wm. Healewood*, *Rob. Healewood*, and *John Skitt*, Kingston-upon-Hull, and Red Lion-wharf, Thames-st., London, white-lead manufacturers, March 24 at 11, District Court of Bankruptcy, Leeds, sud. ac.; March 22 at 12, div.—*William Gæthorpe*, Huddersfield, Yorkshire, plumber, March 25 at 11, District Court of Bankruptcy, Leeds, sud. ac.; March 30 at 11, div.—*J. Froste* and *I. Ashlin*, Liverpool, merchant, March 28 at 12, District Court of Bankruptcy, Liverpool, sud. ac.—*I. Hague*, *W. Millar*, and *W. T. Grant*, New Crane Ironworks, Wapping-wall, engineers, March 24 at half-past 10, Court of Bankruptcy, London, div.—*R. Evans*, *J. Foster*, *S. Z. Langton*, and *Thos. Foster*, Barge-yard, Bucklersbury, East India merchants, March 25 at half-past 11, Court of Bankruptcy, London, div.—*William Capon*, New Bond-st., hatter, March 24 at 11, Court of Bankruptcy, London, div.—*Wm. Chandley*, Manchester-street, Gray's-inn-rd., carpenter, March 25 at half-past 11, Court of Bankruptcy, London, div.—*Chas. Colls*, *Chas. Thompson*, and *Richard P. Harris*, jun., Lombard-street, bill-brokers, March 25 at 11, Court of Bankruptcy, London, div.—*Geo. Greenwell*, *John B. David Dearbery*, and *Wm. Whitehall*, Fore-street, London, and Coventry, silk manufacturers, March 25 at 11, Court of Bankruptcy, London, div. sep. est. *George Greenwell*.—*John Cusset*, Blackfriars-road, Surrey, jeweller, March 24 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thomas Robinson*, Leadenhall-street, tallow-merchant, March 24 at 12, Court of Bankruptcy, London, div.—*Jas. Moore*, Old Bond-street, hatter, March 24 at half-past 1, Court of Bankruptcy, London, fin. div.—*J. S. Leonard*, White Conduit-fields, victualler, March 24 at 2, Court of Bankruptcy, London, div.—*D. D. Alves*, *Jas. Steele*, and *Wm. Harrison*, Lime-street-square, London, merchants, March 24 at 3, Court of Bankruptcy, London, div.—*Chas. Jas. Townley*, Liverpool, share-broker, March 27 at 11, District Court of Bankruptcy, Liver-

pool, div.—*Richard Holding*, jun., Blackburn, Lancashire, coal-merchant, March 28 at 1, District Court of Bankruptcy, Manchester, sud. ac.; April 4 at 1, div.

#### CERTIFICATES

*To be allowed, unless Cause shown to the contrary.*

*Robt. Wright*, jun., Liquorpond-street, builder, March 27 at 1, Court of Bankruptcy, London.—*Chas. Maidlow*, Finchley, and St. John's-terrace, St. John's-wood, builder, April 1 at 1, Court of Bankruptcy, London.—*Jos. H. Ritchie*, Clydedock, Rotherhithe, Surrey, shipwright, March 25 at 2, Court of Bankruptcy, London.—*Thos. Henney*, Midhurst, Sussex, innkeeper, March 25 at 1, Court of Bankruptcy, London.—*J. Kirkpatrick*, Newport, Isle of Wight, Southampton, banker, March 24 at half-past 1, Court of Bankruptcy, London.—*C. M. Darby*, Regent-st., St. Marylebone, printer, March 24 at half-past 12, Court of Bankruptcy, London.—*Thos. Phipp*, Union-court, Old Broad-st., London, appraiser, March 25 at half-past 12, Court of Bankruptcy, London.—*Thos. Bomford*, Elmstone, Hardwick, Gloucestershire, hay-dealer, April 7 at 12, District Court of Bankruptcy, Bristol.—*Richard Ellison* and *John Goodworth*, Barnsley, Yorkshire, linen manufacturers, March 29 at 11, District Court of Bankruptcy, Leeds.—*Ed. Everall*, Liverpool, coal-merchant, March 28 at half-past 12, District Court of Bankruptcy, Liverpool.—*Thomas Robson*, Liverpool, March 28 at 12, District Court of Bankruptcy, Liverpool.—*John Pattison*, Bridlington, Yorkshire, saddler, March 25 at 12, District Court of Bankruptcy, Leeds.—*Jas. Robertson*, Liverpool, merchant, March 28 at half-past 11, District Court of Bankruptcy, Liverpool.—*Richd. Bull*, Birmingham, common-brewer, March 31 at 1, District Court of Bankruptcy, Birmingham.—*Thos. Roe*, Whitley, St. Michael, Coventry, miller, March 31 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Frits*, Stafford, shoe manufacturer, March 28 at half-past 11, District Court of Bankruptcy, Birmingham.—*Ed. Goddard*, Holbeach, Lincolnshire, draper, March 31 at half-past 12, District Court of Bankruptcy, Birmingham.—*Chas. Mottram*, Liverpool, wool-broker, March 27 at 12, District Court of Bankruptcy, Liverpool.—*Saml. C. Sneade*, Wavertree, near Liverpool, timber-merchant, March 28 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Hoare*, Alstonfield, Staffordshire, apothecary, March 24, Court of Bankruptcy, London.—*James Milne*, Newhey, Butterworth, Lancashire, cotton-spinners, March 24, Court of Bankruptcy, London.—*Edmund Lane*, Cirencester, Gloucestershire, edge-tool maker, March 24, Court of Bankruptcy, London.—*Geo. Fredk. Kerschner*, Equestrian Coffee-house, Great Surrey-street, Southwark, victualler, March 24, Court of Bankruptcy, London.—*Benj. Price*, Birmingham, general dealer, March 24, Court of Bankruptcy, London.—*Jos. Phillips*, Hercules Tavern, Hercules-passage, Thread-needle-street, tavern-keeper, March 24, Court of Bankruptcy, London.—*John Simmons*, Atherstone, Warwickshire, furnishing ironmonger, March 24, Court of Bankruptcy, London.—*Robt. W. Robinson*, sen., and *Robt. W. Robinson*, jun., Bedford, grocers, March 24, Court of Bankruptcy, London.—*C. Huntsman*, High Holborn, chemist, March 24, Court of Bankruptcy, London.—*John Vincent*, Redditch, Worcestershire, pawnbroker, March 24, Court of Bankruptcy, London.—*R. Percival*, Hockerill, Bishop's Stortford, Hertfordshire, innkeeper, March 24, Court of Bankruptcy, London.—*Henry Fish*, Princes-row, Pimlico, painter, March 24, Court of Bankruptcy, London.—*N. L. Fernandes* and *Jose L. Fernandes*, jun., Wakefield, Yorkshire, corn-millers, March 24, Court of Bankruptcy, London.—*Jas. Archer*, Liverpool, wine-merchant, March 24, Court of Bankruptcy, London.—*Wm. Holland*, Manchester, merchant, March 24, Court of Bankruptcy, London.

#### FIATS ANNULLED.

*John Ward*, Instead, Norfolk, cattle-jobber.—*Thomas S. Sharland*, Frome, Somersetshire, draper.

#### PARTNERSHIP DISSOLVED.

*John Robeson*, Droitwich, *Wm. Robeson*, and *Wm. Henry Robeson*, Bromsgrove, Worcestershire, attornies, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*John Hamilton Mack*, Airdrie, writer and builder.—*Robt. Sutherland*, Davochfun, Dornoch, Sutherlandshire, farmer.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, March 27 at 9.*

*Alfred Cottier*, Barlow-mews, Bruton-st., Berkeley-square,

clerk to a livery-stable keeper.—*Wm. Wright*, Lambeth-st., Whitechapel, gunsmith.—*Robt. O. Brett*, St. George's-terrace, New Kent-road, Surrey, tailor.—*James Jacobs*, Union-st., Walcot-place, Lambeth, coach painter.—*Chas. Cowdery*, Johnson's-place, Thistle-grove, Little Chelsea, out of business.—*Wm. Thornton*, Carlisle-st., Portman-market, out of business.—*K. H. Doonan*, Johnson's-court, Fleet-st., clerk to a solicitor.—*Geo. Abel Jackson*, Stoney-lane, Tooley-st., Southwark, mast and block maker.—*Wm. M. Hasler*, Mount-terrace, New-road, Whitechapel-road, nightman.—*W. Gardner*, Elizabeth-st. South, Pimlico, dairyman.

**Court-house, GLOUCESTER, (City), March 24 at 10.**  
*John Thos. Stephens*, Gloucester, victualler.—*Hen. Cooke*, Gloucester, slater.—*C. W. Lovey*, Gloucester, wheelwright.—*Thos. Wood*, Gloucester, tailor.—*Geo. Draysey*, Gloucester, shoemaker.—*Richard Cupid Kirk*, Gloucester, retailer of beer.

**Court-house, GLOUCESTER, (County), March 24 at 10.**  
*Wm. Page*, Filton, near Bristol, out of business.—*Jesse Bowley*, Phelford, sawyer.—*Geo. Kent*, Old Sodbury, servant.—*James Newmarch*, Coleford, builder.—*Chas. Lucas*, Cheltenham, builder.—*Charles Long*, Cheltenham, out of business.—*Richard Denley*, Cheltenham, builder.—*Wm. Clark, sen.*, Painswick, sawyer.—*John Jefferies*, St. Aldwins, slater.—*J. Lavender*, Rowley-mill, Alvington, near Sydney, mill-board manufacturer.—*Wm. Clark, jun.*, Painswick, sawyer.—*Thos. Hayes*, Cheltenham, stonemason.—*Giles Gardner*, Mitcheldean, manager of turnpike-gates.—*Wm. Pitt*, Tiddenhams, blacksmith.—*Charles Turner*, Cheltenham, stonemason.—*J. Tye*, Hazelton, near Northleach, labourer.—*Thos. Wither*, Bristol, shoemaker.—*Jonathan Williams*, Ashelworth, farmer.—*Joseph Powell, sen.*, Coaley, near Dursley, farmer.—*Wm. Burrows, sen.*, Chalford, millwright.—*Wm. Hughes*, Hartpur, carpenter.

**Court-house, WELSH POOL, Montgomeryshire, March 25 at 10.**

*Wm. Howells*, Llanidloes, toll collector.—*Wm. Rowlands*, Nantyrhebog, Llanerrig, flannel draper.

**INSOLVENT DEBTOR'S DIVIDEND.**  
*H. Goldsmith*, Hicely-on-Thames, Oxfordshire, at Cooper's, Henley-on-Thames: 1s. 6d. in the pound.

#### MEETINGS.

*George Coleby*, Regent's-circus, St. James, Westminster, dealer in tobacco, March 27 at 6, Hall's, Rupert-street, St. James's, ch. ass.—*Wm. Pulteney Dana*, March 20 at 11, Crown Inn, Bridgenorth, sp. aff.

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20	0 19 1	1 5 6	1 11 11	1 18 4	2 4 9
30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
50	2 16 3	3 10 10	4 5 5	5 0 0	5 14 7
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# The Jurist

No. 322.

MARCH 11, 1843.

With Supplement, 2s.

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		Court of Review .....
		{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, MARCH 11, 1843.

THE result of M'Naughten's trial has naturally caused a great sensation in the public mind. There were many who from the first looked anxiously for the event; and feeling how much the security of life was involved in the struggle against the ordinary dictates of humanity in wishing that the intended defence of insanity might not be successful. Oxford's case, followed as it soon was by a similar crime, had made a great impression upon men's minds; and a conviction was fast gaining ground, that the security which the law once afforded to human life was being greatly diminished. These fears have been confirmed by the late trial. It was impossible indeed for the learned Judges who presided, or the jury by whom the case was tried, to come to any other conclusion than they did, after hearing the evidence which was given; but it is plain, that, in very many cases, there will be the same grounds for acquitting a prisoner.

The gradual development of this plea of insanity from the time when it was seldom heard of until the present, when it seems to have become the defender-general of great criminals, is curious. As men became more enlightened, they naturally shrunk from subjecting the body of the suicide to the indignities prescribed by the relics of a barbarous code, and the rule of law which made insanity an excuse for crime, presented an easy mode of escaping from the difficulty; and other motives concurred to encourage this subterfuge. Regard for the feelings of relatives and friends, the difficulty of supposing any rational motive for such an act; these and other things were but feebly opposed by considerations of danger to society, a matter too remote and difficult of appreciation to meet with any notice on such occasions. And thus it came to pass, that, for many years, we have seen juries upon coroners' inquests pronounce verdicts of insanity upon

evidence so slight, that it would have been insufficient to satisfy an ordinary mind of the truth of any other disputed fact. From the trial of him who takes away his own life to that of him who takes away the life of another, the transition is easy; and as, in the former case, juries had been induced by the want of any apparent motive for the crime to assign it to insanity, it was natural to pursue the same course in the latter. Thus, the more unusual the crime, and the more obscure the motives of the criminal, the easier is it to set up a case of insanity. Evidence is given of circumstances which bear some appearance of insanity, and then the crime itself is made to reflect back the light thus thrown upon it, and to give to them a greater prominence. In this way the able counsel who defended M'Naughten argued, from the open manner in which the deed was done, and the certainty of its being followed by punishment, and that, the punishment of death, that it could not be the act of a sane man. It was indeed, in this point of view, as much a suicidal act as if he had shot himself instead of his victim.

In M'Naughten's case, the law respecting insanity seems to have been carried to a greater extent than in any previous case; but it is quite in accordance with views which have for some years past been published by various writers on the subject. There, indeed, circumstances were proved from which, previously to what was called the climax of the homicidal monomania, the existence of disease in the brain might have been inferred, so as to lead to the use of preventive measures; but this, it is said, is not always necessarily the case, and a crime may be committed in a state of insanity of which there has not previously been any ground of suspicion. On a former occasion (Vol. 5, p. 617; Vol. 6, p. 193) we noticed the theory of a modern writer, that crimes of violence are in all cases the result of a maniacal disorganization or moral insanity\*. The second edition of that

\* Criminal Jurisprudence considered in relation to Cerebral Organization. By M. B. Sampson. London.

work has just been put into our hands, and we gladly avail ourselves of the proof it affords of what we state. Quoting the words of Sir William Ellis, who says, "In insanity arising from moral causes, diseased action of the brain is rarely produced by any sudden shock, but it generally arises from the continued operation of some exciting cause, producing excessive vascular action in the brain or some part of it. Unfortunately, the alteration in the sentiments and conduct, in many cases, is so gradual, that diseased action of the brain may have existed *without being suspected* until diseased organization" (the incurable stage of insanity!) "has actually taken place:" Mr. Sampson observes, "Thus it will be seen, that insanity may go on even to its ultimate stage, without being suspected; and that it is, therefore, impossible, excepting by a *post-mortem* examination, to assert that any given individual is not only not already visited with the incipient growth of the disorder, but that he has not passed even to its last and incurable stage." If this be true, it entirely precludes the right to punish a criminal on the ground of his responsibility to the law. If the state of irresponsibility may exist without any indication of it previous to the act for which he is to be made responsible, that act being itself an indication of irresponsibility, it is obvious that he must either not be punished at all, or some other reason must be found for it. And laws which are founded upon the idea of men being responsible to them, and which profess to treat as criminals only those who break them whilst known to be responsible, are rendered powerless by the extension of opinions, which treat obedience to the laws as a test of sanity, and any departure from it as an indication of an opposite state.

To us indeed it seems, that the late trial must be regarded as a triumph of this theory, a practical recognition of it of the most important kind. Whether it is correct or not this is not the place to inquire; but it will evidently greatly embarrass the administration of the criminal law, unless some alteration is made. If the mountain will not come to Mahomet, Mahomet must go to the mountain—if medical science will not adapt itself to the law, the law must adapt itself to medical science.

We had no sooner perused the report of the trial than we felt the necessity of this. And probably the feeling was very general; at least, we may conclude so, from what passed the other night in the House of Lords, when the Lord Chancellor, and Lords Brougham, Denman, and Campbell, agreed in thinking, that some measure ought to be adopted respecting it. What that should be seems now the only matter for consideration.

It would ill become us, when the ablest and best informed men hesitate about devising a remedy, to suggest anything of the kind; and we can only venture to indulge in a few speculations upon the subject. Mr. Sampson, as the natural consequence of his theory, that crime is the result of a mental disorganization, contends, that all infliction of punishment as such must be abandoned, and efforts to cure the patient be substituted. A few weeks' labour at the tread-mill is no remedy for that disease of the brain which causes the monomania of picking pockets, or a prolonged residence in a penal settlement for that which causes the monomania of imitating other persons' handwriting. Such

modes of treatment ought not therefore to be adopted. Thus, the whole of the present system of punishment is struck at. How an adequate substitute can be found, or a sufficient number of criminal hospitals be provided, it is not very easy to perceive; and we think a nation would pause long before they made such a change. But is it right, when upon the subject of punishments, to regard only the cure of the criminal? Laws, we apprehend, are made for the protection of society; and every member of it, in return for protection, submits himself to be bound by such rules as may be necessary for obtaining it; and if it be necessary for the protection of life that those who, by reason of insanity, are not strictly responsible for a murder, should be subjected to treatment in the nature of punishment, we think the rights of the individual must bend to the rights of society. The punishment of an insane person might not deter others really insane, but there would be no temptation to simulate insanity; and even when there existed a morbid desire to take away human life, it might be counteracted by the fear of the consequences. We have hastily thrown together the thoughts which were immediately suggested by the late trial, but the subject deserves much consideration; and we shall probably resume it in a future number.

We are informed by a learned correspondent attending the Oxford Circuit, that the clause referred to in the concluding paragraph of a paper in *THE JURIST*, ante, p. 59, "On the Power of the Courts to enlarge the Time for making an Award," was devised by a learned Queen's Counsel on that circuit, and that it has been now for two years constantly there adopted. Our correspondent also favours us with a copy of the clause, which it may be useful to some of our readers to possess. The clause runs thus:—"And it is also ordered, that if any dispute shall arise upon the said award, the court may, if they think fit, send back the said award to the said arbitrator to be re-considered, and amended if necessary."

The Queen has been pleased to grant unto Thomas Pemberton, of Lincoln's Inn, in the county of Middlesex, Esq., one of her Majesty's counsel, Attorney-General to his Royal Highness the Prince of Wales, her Majesty's royal license and authority, that he and his issue may (in compliance with a proviso contained in the last will and testament of his late cousin, Sir Robert Holt Leigh, of Hindley Hall, within the township of Aspul, in the said county palatine of Lancaster, Bart., deceased, and in testimony of grateful and affectionate respect for his memory) take and henceforth use the surname of Leigh, in addition to and after that of Pemberton; and that he and they may bear the arms of Leigh quarterly, in the first quarter, with his and their own family arms.—*Whitehall, March 10, 1843.*

**LINCOLN'S INN.**—The following gentlemen were called to the degree of Barrister-at-Law in January by the Hon. Society of Lincoln's Inn—viz. Messrs. John Unthank, Charles Reade, Edward Marcus Attwood, Charles James Preston, Peregrine Roberts, William Browne, Edmund Banbury, and John Gorham Maitland.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—Thomas Potter Burbury, of Birmingham; Samuel Knight, of Sheffield; Charles Blount, of Bristol; William Turner Shaw, of Derby; William Hetherington, of Liverpool.



## ON THE PERSONAL RESPONSIBILITY OF AGENTS.

We had occasion a short time since, in reviewing Mr. Broom's *Work on Parties to Actions*, to notice that the Court of Exchequer had recently laid down an important rule on this subject; and we will now briefly notice the state of the law, that our readers may be able to see it at one view. The general rule is, that "when A. enters into a contract as agent for B., and is merely the medium by which the same is effected, the liability in respect of such contract rests with B.; nor does it matter whether the authority of the agent be express or implied, or that it be inferred from a subsequent sanction and recognition by the principal." Upon this rule various exceptions have been engrafted by the operation of other rules of law. Thus, from the nature of a contract under seal, it follows, that if an agent so contract, although he describe himself as such, and profess to be contracting on behalf of another, he is personally responsible. (5 East, 148). Another instance of the personal responsibility of an agent is, where the contract is in writing. Contracts of this kind, as our readers well know, cannot be varied or altered by parol evidence, and therefore, if on the face of the contract the party appears to enter into it as principal, he is not allowed to shew that he was only an agent. (*Magee v. Atkinson*, 2 Mea. & W. 440). But for the purpose of making the principal also liable, parol evidence may be received, for that is not to vary but to add to the written instrument; and the 4th section of the Statute of Frauds does not require the agent to be authorized by writing. (*Higgins v. Senior*, 8 Mee. & W. 844). But in these cases, if the other contracting party make his election to treat the principal as responsible, the liability of the agent is discharged, and he cannot afterwards be resorted to. (9 B. & C. 90). Another instance of the responsibility of an agent is, when the principal is unknown, and then, whether the agent represent himself as such or not, the other party may, on discovering the principal, elect to treat either as liable. (9 B. & C. 78). The cases, however, which we wish more particularly to notice, are those where the agent acts without any authority, or where, having authority, he exceeds it. Lord Holt (*Holt*, R. 309) says, "If A. employs B. to work for C., without warrant from C., A. is liable to pay for it." Of cases of this kind there are three classes: the first is, where the agent, intending to deceive, fraudulently represents either that he has authority, or the extent of it—and in such, no doubt exists as to his being personally responsible. Another is, where the agent makes a contract as such, knowing that he has no authority, but without any fraudulent intention; and here also he is responsible, on the ground that he makes a misrepresentation of a fact peculiarly within his knowledge—and of this class the well-known case of *Polhill v. Walter* is an instance. The third class is, where an agent makes a contract, bona fide believing that he has authority, but in fact has not. Of these, Baron Alderson, delivering the judgment of the court in *Smout v. Ilbery*, (10 Mee. & W. 9), says, "It is true the agent is not actuated by any fraudulent motives, nor has he made any statement which he knows to be untrue. But still his liability depends on the same principles as before. It is a wrong, differing only in degree, but not in its essence, from the former case, to state as true what the individual making such statement does not know to be true, even though he does not know it to be false, but believes, without sufficient grounds, that the statement will ultimately turn out to be correct. And if that wrong produces injury to a third person, who is wholly ignorant of the grounds on which such belief of the supposed agent is founded, and who has relied on the correctness of his assertion, it is equally just that he who makes such assertion should be personally liable

for the consequences." And the learned judge also quoted a passage from Story on Agency, 226, note 3, to the same effect. But *Smout v. Ilbery* affords an instance of an agent who made a contract without authority, being held not to be personally responsible, which strikingly illustrates the general rule. The facts were, that "the defendant was the widow of a Mr. Ilbery, who died abroad; and the plaintiff during the husband's lifetime had supplied, and after his death had continued to supply, goods for the use of the family in England. The husband left England for China in March, 1839, and died on the 14th of October in that year. The news of his death first arrived in England on the 13th of March, 1840," and the question was, "whether the defendant was liable for the goods supplied after her husband's death, and before it was possible that the knowledge of that fact could be communicated to her." And the court held that she was not, because "there was no ground for saying, that, in representing her authority as continuing, she did any wrong whatever. There was no mala fides on her part—no want of due diligence in acquiring knowledge of the revocation—no omission to state any fact within her knowledge relating to it, and the revocation itself was by act of God. The continuance of the life of the principal was, under the circumstances, a fact equally within the knowledge of both contracting parties."

This case will, we think, be referred to in future as the leading case upon the responsibility of an agent; and we hope that those of our readers who have already had their attention drawn to it, will not think it altogether superfluous to be again reminded of it.

## Imperial Parliament.

## HOUSE OF LORDS.

Monday, March 6.

Lord Brougham intimated that if neither the Lord Chancellor or his noble and learned friend the Chief Justice of the Queen's Bench took any such course, it was his intention to bring before the House the important subject of the plea of partial insanity in cases of murder.

The Lord Chancellor stated that the subject had already attracted his attention, and he was about to put himself in communication with persons best qualified to give correct information and valuable opinions on the subject.

Lord Brougham was satisfied with the assurance of the Lord Chancellor, and thought it better that any propositions on the subject should proceed from the noble and learned Lords under the auspices of the Government.

Lord Denman was induced by the late lamentable event to think that some degree of consideration should be given to the subject, and felt sure that the assistance of all the Judges in framing any measure would be cheerfully rendered.

## HOUSE OF COMMONS.

Monday, March 6.

Wednesday week, the 14th inst., was fixed for the further continuation of the debate on the privilege question.

## COMMON-LAW SITTINGS, EASTER TERM.

## Court of Common Pleas.

In Term.

MIDDLESEX.		LONDON.	
Wednesday.....	April 26	Friday.....	April 28
Wednesday.....	May 3	Friday.....	May 5
After Term.			
Friday.....	May 12	Saturday.....	May 13

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.—The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.—On Saturday, the 13th May, in London, no causes will be tried, but the court will adjourn to a future day.



## London Gazette.

TUESDAY, MARCH 7.

## DECLARATION OF INSOLVENCY.

HENRY CONN, Truro, Cornwall, lieutenant in her Majesty's Navy.

## BANKRUPTS.

ROBERT CHAMBERLAIN, Ipswich, Suffolk, ship-owner, March 21 at 1, and April 17 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Raimondi & Co., Gray's-inn.—Fiat dated Feb. 22.

HENRY YEATMAN, Bear-lane, Blackfriars-road, Surrey, victualler, March 16 at half-past 12, and April 25 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. T. & G. Selby, 15, Serjeant's-inn, Fleet-street.—Fiat dated March 3.

DANIEL BASELEY, High-street, Southwark, and Surrey-place, Old Kent-road, cheesemonger, March 17 at 1, and April 28 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Wire & Child, St. Swithin's-lane.—Fiat dated March 6.

GEORGE BARKER, Ratcliffe-upon-Trent, Nottingham, blacksmith and lace-maker, March 20 at half-past 12, and April 10 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Bowley, Nottingham.—Fiat dated March 4.

JAMES KNAPTON and WILLIAM M'KAY, Manningham, Bradford, Yorkshire, stuff-manufacturers, March 28 at 12, and April 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Wavell, Halifax.—Fiat dated Feb. 27.

SAMUEL KIRK, Sheffield, iron-founder, March 18 at 1, and April 6 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Ryalls, Sheffield.—Fiat dated March 2.

PETER JAMES PAPILLON, Leeds, wine-merchant, March 21 and April 8 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Blackburn, Leeds; Barker & Rose, Mark-lane.—Fiat dated Feb. 23.

JOHN DIXON BINKS, Worksop, Nottingham, innkeeper, March 22 at 12, and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Johnson, Nottingham; Blackburn, Leeds: Fiat dated Feb. 27.

HENRY LONSDALE, Sheffield, grocer, March 24 and April 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Smith & Hinde, Sheffield; Cronhelm, Leeds.—Fiat dated Feb. 25.

CHARLES PARKINS, Leeds, worsted-spinner and manufacturer, March 24 and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Smith, Leeds.—Fiat dated Feb. 28.

WILLIAM THOMPSON, Rawdon, Yorkshire, cloth-manufacturer, March 15 and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Foden, Leeds.—Fiat dated Feb. 22.

RICHARD MARSDEN, Elland, Halifax, Yorkshire, woolen-cloth manufacturer, March 22 and April 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Mitchell, Halifax.—Fiat dated March 1.

HENRY ALEXANDER JAMESON, North Shields, Northumberland, linen-draper, March 21 at 2, and April 24 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. H. W. & W. C. Sole, Aldermanbury, London.—Fiat dated Feb. 23.

THOMAS SOTLEY, Newcastle-upon-Tyne, slater, March 22 at 12, and April 25 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Dawson & Son, Newcastle-upon-Tyne; Bell & Co., 9, Bow Church-yard.—Fiat dated Feb. 22.

GEORGE WALKER, Newcastle-upon-Tyne, ship and insurance-broker, and merchant, March 27 at 11, and April 26 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Carr & Jobling, Newcastle-upon-Tyne; Bell & Co., Bow Church-yard.—Fiat dated Feb. 28.

WILLIAM JONES, Higher Babeleigh Farm, Landkey, and Newport, Bishops Tawton, Devonshire, lime-burner, March 20 and April 6 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Riccard & Son, South Molton; Turner, Exeter; Whitaker, 5, Gray's-inn-square.—Fiat dated Feb. 22.

THOMAS ALSTON, Balderston, Lancashire, spade-manufacturer, March 23 and April 7 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Dodd, Preston; Wilkinson & Kenyon, Blackburn; Wigglesworth & Co. Gray's-inn-square.—Fiat dated March 2.

WILLIAM WHITLEY, Liverpool, merchant, March 20 at 12, and April 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Knapper & Woolwright, Liverpool.—Fiat dated Feb. 18.

## MEETINGS.

*Chas. Bindley and Fran. Copland*, Cheapside, Birmingham coach-makers, March 28 at 12, District Court of Bankruptcy Birmingham, pr. d.—*Jas. F. Street* and *Wm. Street*, Bucklersbury, stationers, March 17 at 1, Court of Bankruptcy London, ch. ass.—*James Imray*, Old Fish-street-hill, Upper Thames-street, stationer, and Minorities, chart-seller, March 11 at 10, Court of Bankruptcy, London, ch. ass.—*Wm. Richards Kemp*, Alfred's-terrace, Holloway, grocer, March 17 at 10, Court of Bankruptcy, London, last ex.—*Geo. Pile* and *Wm. J. B. Staunton*, Salvador House, Bishopsgate-street-without, wine and spirit merchants, March 17 at 11, Court of Bankruptcy, London, last ex.—*Wm. C. Knight*, Great Suffolk st., Southwark, builder, March 10 at half-past 11, Court of Bankruptcy, London, last ex.—*Wm. Mayhew*, Crutched-friars, and De Crespigny-place, Camberwell, wine-merchant, March 31 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Smith* and *John Stickals*, Queen's-buildings, Knightsbridge, cheesemongers, March 31 at 1, Court of Bankruptcy, London, aud. ac.—*T. Spence*, Stratford, Essex, market-gardener, March 30 at 11, Court of Bankruptcy, London, aud. ac.—*Fredk. Ford*, Aldgate, draper, March 30 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Edmund Peter Powell*, Southampton, tailor, March 30 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Lingham*, Cross-lane, St. Mary-at-Hill, London, wine-merchant, March 30 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Hannah Charlton*, Regent-st., milliner, March 27 at 2, Court of Bankruptcy, London, aud. ac.; March 30 at 2, div.—*James Moore*, Old Bond-street, hatter, March 10 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Benj. Laurence*, Crown-court, Old Broad-st., merchant, March 30 at 11, Court of Bankruptcy, London, aud. ac.—*John Alexander* and *Henry Gibbon*, Wolverhampton, Staffordshire, chemists, April 1 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.—*Jos. Rogers*, Bromyard, Herefordshire, scrivener, March 30 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.—*Thos. Evans*, Welshpool, Montgomeryshire, and Oswestry, Shropshire, draper, April 2 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*G. Jones*, Nevin, Carnarvonshire, draper, March 31 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Richd. Lindon*, Snapes, Marlborough, Devonshire, corn-factor, March 30 at 12, District Court of Bankruptcy, Exeter, aud. ac.; March 31 at 12, div.—*John Norfolk* and *Ed. Barker*, jun., Woodhouse Carr, Leeds, Yorkshire, dyers, April 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 1 at 11, div.—*John Ellis*, Mansfield, Nottingham, brush-maker, March 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.; March 31 at 11, div.—*J. Jay*, London-wall, builder, March 31 at half-past 11, Court of Bankruptcy, London, div.—*Robt. Clarke* and *John Burgess*, Coal Exchange, London, coal-factors, March 28 at 1, Court of Bankruptcy, London, div.—*Wm. Cock*, Bungay, Suffolk, grocer, March 30 at 1, Court of Bankruptcy, London, div.—*Wm. Nairn* and *Jas. Liston*, Tower Royal, Watling-street, linen-cloth manufacturers, March 30 at half-past 1, Court of Bankruptcy, London, div.—*Elizabeth C. Knappell*, Haymarket, hotel-keeper, March 28 at 11, Court of Bankruptcy, London, div.—*George Donaldson*, Pall-mall, watch-maker, March 29 at 12, Court of Bankruptcy, London, div.—*Robert Kennett*, New Bond-street, upholsterer, March 29 at 2, Court of Bankruptcy, London, div.—*Walter Elphick*, West Ham, Sussex, farmer, March 30 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Wells*, Mincing-lane, sugar-broker, March 28 at 3, Court of Bankruptcy, London, div.—*Hen. R. Abbott*, Throgmorton-street, stock-broker, March 30 at half-past 12, Court of Bankruptcy, London, div.—*Henry Rogers* and *Frederick Rogers*, Finch-lane, Cornhill, wine-merchants, March 30 at 1, Court of Bankruptcy, London, div.—*Edward M'Coy*, Well-court, Queen-st., London, and Iryon's-place, Hackney, Middlesex, stationer, March 28 at half-past 2, Court of Bankruptcy, London, div.—*R. Geo. Gower*, Church-row,

Aldgate, coach-maker, March 28 at 2, Court of Bankruptcy, London, div.

#### CERTIFICATES

*To be allowed, unless Cause shewn to the contrary.*

**Richard Fennell**, Aldermanbury Postern, yarn-merchant, April 4 at half-past 1, Court of Bankruptcy, London.—**Fred. Ford**, Aldgate, draper, March 30 at 2, Court of Bankruptcy, London.—**John P. Howard**, Attlebridge, Norfolk, maltster, March 30 at 2, Court of Bankruptcy, London.—**William Woods**, sen., and **Wm. Woods**, jun., Newgate-street, general hardwaremen, March 30 at 2, Court of Bankruptcy, London.—**John Horden**, Lad-lane, laceman, March 28 at 1, Court of Bankruptcy, London.—**Henry Harris**, Faversham, Kent, grocer, April 1 at 12, Court of Bankruptcy, London.—**Wm. Bowler**, Castle-lane, Southwark, comb-maker, March 31 at 2, Court of Bankruptcy, London.—**Hen. Edlin**, Brighton, Sussex, hotel and tavern-keeper, March 31 at 1, Court of Bankruptcy, London.—**Thomas Evans**, Welshpool, Montgomeryshire, and Oswestry, Shropshire, draper, April 3 at 11, District Court of Bankruptcy, Liverpool.—**Elizabeth Edge**, Dawley-green, Dawley, Shropshire, victualler, April 6 at 1, District Court of Bankruptcy, Birmingham.—**John B. Carey**, Nottingham, lace manufacturer, April 1 at 11, District Court of Bankruptcy, Birmingham.—**Jas. Brown**, Wolverhampton, Staffordshire, grocer, March 30 at 12, District Court of Bankruptcy, Birmingham.—**Wm. Hen. Turner** and **Thos. B. Turner**, Blackburn, Lancashire, cotton-spinners, March 31 at 12, District Court of Bankruptcy, Manchester.—**John M'Lean**, Liverpool, commission-agent, March 29 at 11, District Court of Bankruptcy, Liverpool.—**Wm. Nicholson**, Leeds, Yorkshire, banker, April 4 at 12, District Court of Bankruptcy, Manchester.—**Henry Miles**, Southampton, woollen-draper, March 28, Court of Bankruptcy, London.—**John James**, Cheltenham, Gloucestershire, wine-merchant, March 28, Court of Bankruptcy, London.—**John C. Mayer**, Dale Hall, Burslem, Staffordshire, joiner, March 28, Court of Bankruptcy, London.—**Wm. Hen. Ball**, Kennington-cross, Surrey, coach-master, March 28, Court of Bankruptcy, London.—**Henry T. Elliott**, Leamington-priors, Warwickshire, music-seller, March 28, Court of Bankruptcy, London.—**Wm. M. Knight**, Green Arbour-court, Old Bailey, Angel-court, Skinner-street, and Bishop's-court, Old Bailey, printer, March 28, Court of Bankruptcy, London.—**Thos. Baker**, Birmingham, brass-cock maker, March 28, Court of Bankruptcy, London.—**J. Reed**, Newcastle-upon-Tyne, sail-cloth manufacturer, March 28, Court of Bankruptcy, London.—**Richard Flack**, Lambeth-st., Whitechapel, licensed victualler, March 28, Court of Bankruptcy, London.—**Thos. Harris**, St. Alban's, Hertfordshire, grocer, March 28, Court of Bankruptcy, London.—**William Capon**, New Bond-street, hatter, March 28, Court of Bankruptcy, London.—**John Fredk. Lewis**, Oil Mills, Ebley, near Stroud, Gloucestershire, woollen-cloth manufacturer, March 28, Court of Bankruptcy, London.—**Fredk. Devey**, Phoenix-wharf, Whitefriars, coal-merchant, March 28, Court of Bankruptcy, London.—**John Bagshaw**, Manchester, woollen-manufacturer, March 28, Court of Bankruptcy, London.—**Hen. P. Coltherup**, Rochester, Kent, dyer, March 28, Court of Bankruptcy, London.—**Gurney Crossdill**, Holy Cross, Westgate, Canterbury, maltster, March 28, Court of Bankruptcy, London.—**Richard Soraby**, Sheffield, Yorkshire, innkeeper, March 28, Court of Bankruptcy, London.—**Thomas Pitt Stokes**, Dudley, Worcestershire, builder, March 28, Court of Bankruptcy, London.—**Rowland Evans**, **John Foster**, **Skinner Zachary Langton**, and **Thos. Foster**, Barge-yard, Bucklersbury, London, East India merchants, March 28, Court of Bankruptcy, London.—**Thomas Laycock**, Leeds, Yorkshire, cloth manufacturer, March 28, Court of Bankruptcy, London.—**James Clack**, Seckford-st., Clerkenwell, baker, March 28, Court of Bankruptcy, London.—**George Souter**, Birmingham, japanner, March 28, Court of Bankruptcy, London.—**John W. Thomson**, Sion Nursery, Croydon, Surrey, nurseryman, March 28, Court of Bankruptcy, London.—**John Jennison**, Manchester, victualler, March 28, Court of Bankruptcy, London.—**Geo. Richmond**, Cowley, Oxfordshire, corn dealer, March 28, Court of Bankruptcy, London.—**George Field**, Beaumont-st., Marylebone, coach maker, March 28, Court of Bankruptcy, London.

#### FIAT ANNULLED.

**Alexander Norton**, Edward-st., Portman-sq., upholsterer.

#### PARTNERSHIPS DISSOLVED.

**John Palmer Parken** and **William Maule Webster**, New Boswell-court, attorneys and solicitors.—**Samuel Fozard Harrison** and **Henry Brown**, Wakefield, Yorkshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Joseph Adam**, Glasgow, japanner.—**Joseph Reid & Co.**, Glasgow, merchants.—**D. T. Buchanan**, Troon, ship builder.—**David Stewart**, Glasgow, cabinet maker.—**Wm. Mackie**, Hamilton, Lanarkshire, innkeeper.

#### INSOLVENT DEBTORS.

*Saturday, March 4.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

**Edward Mayston**, Norwich, grocer, No. 61,726 C.; **A. Newman** and **A. Cox**, assignees.—**John S. Morley**, Keighley, Yorkshire, shopkeeper, No. 61,746 C.; **Benjamin Town**, assignee.—**James Wilson**, jun., South Stockton, Yorkshire, clothier, No. 61,296 C.; **Geo. Weldon**, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, March 28 at 9.*

**Chas. Beasley**, Devonshire-st., Lisson-grove, Marylebone, farrier.—**John Brown**, Hammersmith, carrier.—**Chas. Dennis**, St. John's-lane, Smithfield, painter.—**Geo. Joy**, St. John-st., Pentonville, out of business.

*March 29, at the same hour and place.*

**George Green**, Milton-st., West Finsbury, hair dresser.—**Jas. Thos. D. Watson**, Off-alley, Strand, nightman.—**James F. Saunders**, New Bond-st., out of business.—**James Willis Parker**, Little St. Mary-axe, and **Fleur-de-Lis-court**, Houndsditch, glass bender.—**Job Barker**, High Holborn, straw-hat manufacturer.—**Edw. D. Dench**, Charles-st., Westminster-road, Surrey, turner.—**E. J. R. Sheffield**, New-st., Park-st., Kennington-cross, Surrey, greengrocer.—**Jas. Holman**, Peersless-row, City-road, dyer.—**Trevor Morris**, Lucas-st., Commercial-road East, out of business.—**H. T. Nicholls**, Windmill-st., Tottenham-court-road, gentleman's servant.

*Court-house, HORSHAM, Sussex, March 24 at 10.*

**John Still**, Brighton, town carter.—**A. H. Penny**, Brighton, dealer in fancy goods.—**Wm. Chapman**, Brighton, plasterer.—**Edward Luff**, Farnhurst, victualler.—**Jos. B. Gunn**, Brighton, fishmonger.—**Thos. W. Nightingale**, Brighton, out of business.—**Wm. Heath**, Chichester, carpenter.—**Samuel Standen**, Peasmarsh, labourer.—**Henry Stringer**, Brighton, carter.—**James Standbridge**, Parhill-park, Lindfield, farmer.—**V. Silvani**, jun., Brighton, out of business.—**John Coppard**, Worthing, labourer.—**Joseph Docksey**, Brighton, hawker.—**Robert Monk**, Saddlescomb, general shopkeeper.—**G. Vincent**, Brighton, bookseller.—**Wm. Kirby**, Hastings, fly driver.

*Court-house, BURY ST. EDMUNDS, Suffolk, March 25 at 10.*

**Thos. Goymour**, Sudbury, butcher.—**Wm. Mann**, Bury St. Edmunds, grocer.—**John Bailey**, Chevington, threshing-machine driver.—**Thomas Fayers**, Cockfield, farmer.—**Frances Hiscox**, Bury St. Edmunds, dress maker.—**Geo. P. Sizer**, Wethersfield, miller.—**John Crick Farr**, Haversham, veterinary surgeon.

*Court-house, MOLD, Flintshire, March 27 at 10.*

**E. E. Hughes**, Bodfarry, Under Graduate of Trinity College, Cambridge.—**Robt. Ellis**, Brynlan Dyserth, miner.—**T. Sadler**, Overton, builder.—**John Lewis**, jun., Dungary, Bangor Isced, farmer.

*Court-house, CAMBRIDGE, (County), March 27 at 10.*

**John Briggs**, Sutton, Isle of Ely, victualler.—**C. Wright**, Wisbeach-fen, Ely, farmer.—**John Hawkes**, Cambridge, pig jobber.—**Jacob Shinn**, Munez, Ely, labourer.—**F. Whiting**, sen., Sutton, Isle of Ely, labourer.—**John Mainprice**, Newmarket, Suffolk, publican.—**James Carter**, Cambridge, wheelwright.—**Edward Feakes**, Cambridge, out of business.—**James Gurney**, Cambridge, dyer.—**Thomas T. Fuller**, Cambridge, gardener.

*Court-house, BRISTOL, March 28 at 10.*

**Edward Gough**, Bristol, shopkeeper.—**Wm. Moulder**, Bristol, clerk in the Post-office.—**Wm. Brown**, Bristol, victualler.—**John Baker**, Bristol, fly proprietor.—**Wm. Taylor**, Bristol, retailer of beer.—**Wm. Sully**, Claverham, Yatton, So-

meretshire, accountant.—*Wm. Pinkerton*, Bristol, out of business.—*David Prosser*, Bristol, carpenter.—*James Long*, Clevedon, Somersetshire, farmer.—*Hen. Selfe*, Bristol, watch maker.—*Daniel Garland*, Bristol, out of business.—*J. Bewley*, Bristol, coach trimmer.—*Matthew Pomphrey*, Bristol, out of business.—*James Doughty*, Bath, servant to a victualler.—*Thos. L. West*, Bristol, provision merchant.—*S. Sampson*, jun., Dandry, Somersetshire, farmer.—*John James*, Bristol, grocer.—*George Coleman*, Bristol, shoemaker.—*Wm. Edwards*, Bristol, lime burner.—*James Joseph Read*, Bristol, locker in the Customs.—*Chas. Palmer*, Bristol, clock maker.—*George White*, Bristol, retailer of beer.—*John Hurditch*, Bristol, tiler.—*Henry Watson*, Bristol, pork butcher.—*David Hudson*, Bristol, farmer.—*Wm. Nener*, Bristol, car driver.—*Benj. Oliver*, Bristol, tailor.—*Wm. Bateman*, Bristol, baker.—*James Poole*, Bristol, tailor.

*Court-house, RUTHIN, Denbighshire, March 28 at 10.*

*The Rev. Hugh Owen*, Llangollen, clerk.—*John Fergusson*, Ttryfon Rhubon, coal-mine proprietor.—*Chas. Reynolds*, Wrexham, out of business.

*Court-house, DOLGELLY, Merionethshire, March 30 at 10.*

*Wm. Lloyd*, Penbryn issa, Llandewyn, joiner.—*John Williams*, Gellilydau, labourer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Gilder*, Welchpool, Montgomeryshire, captain in the militia; 3s. 6d. in the pound.—*John Cunningham*, Burnley, Lancashire, gentleman; 4s. 1½d. in the pound.—*John Goodbody*, Ely, Cambridgeshire, drover; 1s. 11½d. in the pound.—*Richard Barlow*, Manchester, watch maker; 3s. 4d. in the pound.—*Daniel Shepherd*, Toddington, near Dunstable, Bedfordshire, innkeeper; 3s. 7½d. in the pound.—*Wm. Henry Bendel*, Great Coram-st., Brunswick-sq., Middlesex, fishmonger; 2s. 3½d. in the pound.—*John Westover*, Talbot-ct., Eastcheap, London, out of business; 1s. 2½d. in the pound.

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*Saml. Spooner Manning*, Woodbridge, Suffolk, chemist, at Moulton's, Woodbridge, and Nicholls & Doyle's, 8, Cook's-court, Lincoln's-inn; 5s. in the pound.

#### MEETING.

*William Henry Rockfort*, King-st., Portman-sq., lieutenant of artillery, March 29 at 12, Battye & Co.'s, Chancery-lane, sp. affairs.

#### FRIDAY, MARCH 10.

##### DECLARATION OF INSOLVENCY.

**CHARLES STANLEY MASTERMAN**, North-end, Croydon, Surrey, grocer and cheesemonger.

##### BANKRUPTS.

**THOMAS DAVIES**, Grosvenor-street, Middlesex, draper, March 18 at 11, and April 25 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. James, Basinghall-street.—Fiat dated March 7.

**HENRY CLARKE**, George-street, Mansion-house, lock-manufacturer, March 21 and April 20 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Steel, 1, Lincoln's-inn-fields.—Fiat dated March 9.

**GEORGE BUTLER**, Witham, Essex, builder, March 17 at 2, and April 21 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Digby, Maldon, Essex.—Fiat dated Feb. 28.

**WILLIAM JOHN CHETWYND**, Elizabeth-place, Westminster-road, Surrey, picture-dealer, March 21 at 11, and April 28 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Cross, Surrey-st., Strand.—Fiat dated March 3.

**JOHN WILSHIN**, Reading, Berkshire, draper, March 18 at 11, and April 28 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Ashurst, Cheapside.—Fiat dated March 2.

**HENRY HUGHES and WILLIAM HUNTER**, St. Leonards on Sea, Sussex, builders, March 21 at half-past 1, and April 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Cutler, Bell-yard, Doctors'-commons.—Fiat dated Oct. 28.

**JOHN SAUNDERSON**, Cambridge, horse-dealer, March 28 at half-past 11, and April 25 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cooper, Cambridge; Ravenscroft, 21, Guilford-street, Russell-square.—Fiat dated March 1.

**JAMES PETERS**, Merstham, Surrey, coal-merchant, carrier, and railway-contractor, March 24 and April 22 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Bevan, 21, Old Jewry.—Fiat dated March 7.

**EDWARD DE CARLE**, Norwich, stone-mason, March 24 at 11, and April 26 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Winter, Norwich; Shearman, Trinity-place, Charing-cross.—Fiat dated March 7.

**NATHANIEL WEST CORP.**, Yarmouth, Norfolk, merchant, March 17 at 1, and April 26 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Bartrum & Son, Bishopsgate-street.—Fiat dated Feb. 21.

**FRANCIS SZARKA and GEORGE SZARKA**, New Bond-street, furriers, March 17 at half-past 11, and April 19 at 3, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Blackmore, St. Martin's-place, Charing-cross.—Fiat dated March 6.

**THOMAS COX**, Gloucester, plumber, March 20 at 11, and April 21 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Burges, Bristol; Milne & Co., Temple. Fiat dated March 1.

**EVAN HALL**, Narbeth, Pembrokeshire, draper, March 28 and April 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Leman, Bristol.—Fiat dated Feb. 17.

**THOMAS DICKSON**, Thirsk, Yorkshire, linen and woollen-draper, March 31 and April 26 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. B. E. Smithson & O. Smithson, York; Bulmer, Leeds.—Fiat dated March 7.

**GEORGE ROBSON**, jun., Osbaldwick, Yorkshire, cattle-dealer, March 21 and April 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Wood, York.—Fiat dated March 6.

**EDWARD BUTLER**, Carrington, Basford, Nottinghamshire, iron-merchant, March 21 and April 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sol. Shilton, Nottingham.—Fiat dated March 6.

**GEORGE HOLROYD and JOSEPH WALLER**, Sheffield, stone-masons and builders, March 23 and April 25 at 1, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Broomhead, Sheffield.—Fiat dated March 1.

**THOMAS GOODWIN and WILLIAM HENRY GRIF-FIN**, Looe, Heanor, Derbyshire, lime-burners and brick-makers, March 21 at 12, and April 21 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. W. & S. Parsons, jun., Nottingham.—Fiat dated March 6.

#### MEETINGS.

*James Chaloner*, Chester, currier, March 21 at 1, District Court of Bankruptcy, Liverpool, pr. d.—*Jas. Walton*, Newcastle-upon-Tyne, saddler, March 21 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—*Francis Carey*, Nottingham, hatter, March 31 at half-past 11, Court of Bankruptcy, London, sp. affairs.—*J. S. Gowing*, Lowestoft, Suffolk, grocer, March 21 at 11, Court of Bankruptcy, London, last ex.—*Thos. C. Clarkson*, Commercial-road, Lambeth, tanner, March 21 at half-past 12, Court of Bankruptcy, London, last ex.—*William Paine*, Stoney Stratford, Buckinghamshire, baker, March 21 at 11, Court of Bankruptcy, London, last ex.—*Arthur Matthews*, Robertabridge, Salehurst, Sussex, apothecary, March 28 at 11, Court of Bankruptcy, London, last ex.—*Richard Gaulton*, Dorchester, licensed victualler, April 6 at 12, District Court of Bankruptcy, Exeter, last ex.—*George Thompson and Edw. Creswell*, Manchester, solicitors, March 31 at 12, District Court of Bankruptcy, Manchester, last ex.—*E. M. Croxfield*, Liverpool, timber merchant, April 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; April 13 at 11, div.—*Henry Merriew*, Coventry, ribbon manufacturer, April 7 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. Gales*, *Wm. J. Guest*, *John Forster Neisby*, and *Matthew Kirilley*, Hylton, Durham, ship builders, April 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 4 at 11, div.—*James Dawes Stainbank*, Honiton, Devonshire, grocer, March 31 at 12, Court of Bankruptcy, London, div.—*George Olden*, New Sarum, Wiltshire, grocer, March 31 at 11, Court of Bankruptcy, London, div.—*Chris. Darnit*, jun., Talbot Inn-yard, Southwark, hop merchant, March 31 at half-past 12, Court of Bankruptcy, London, fin. div.—*E. M. Demaisee and Henry Thos. Wooler*, Bucklersbury, merchants, March 31 at 1, Court of Bankruptcy, London, div.—*H. J. Collett*, Manchester, warehouseman, March 31 at half-past 1, Court of Bankruptcy, London, div.—

*Thos. Lingham*, Cross-lane, St. Mary-at-Hill, London, wine-merchant, April 3 at 12, Court of Bankruptcy, London, div.—*James Cloud*, Hammersmith, coach master, April 4 at 2, Court of Bankruptcy, London, div.—*Saml. Boss*, Frith-st., Soho, tailor, April 4 at 12, Court of Bankruptcy, London, div.—*M. B. Bonas* and *B. Eyles*, Northumberland-st., Strand, navy agents, April 4 at 1, Court of Bankruptcy, London, div.—*Griffith Jones*, Nevins, Carnarvonshire, draper, April 3 at 1, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*Edward Burn*, St. Helen's-place, London, merchant, April 4 at half-past 11, Court of Bankruptcy, London.—*William McPherson*, Hutton-wall, oil and colourman, April 1 at 1, Court of Bankruptcy, London.—*Agnes Boone* and *John Boone*, Piccadilly, hatters, April 3 at half-past 11, Court of Bankruptcy, London.—*Thos. Edw. Clarke*, Acle, Norfolk, apothecary, March 31 at 11, Court of Bankruptcy, London.—*Saml. Boss*, Frith-st., Soho, tailor, April 4 at 12, Court of Bankruptcy, London.—*John Bear*, Ramsgate, Kent, draper, March 31 at half-past 1, Court of Bankruptcy, London.—*J. North*, Mold-green, near Huddersfield, Yorkshire, fancy-cloth manufacturer, April 5 at 11, District Court of Bankruptcy, Leeds.—*Eliz. Gowers*, Morpeth, Northumberland, common brewer, March 31 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Power* and *John Wallace*, Liverpool, merchants, April 3 at half-past 11, District Court of Bankruptcy, Liverpool.—*Edw. Rawlinson*, Lancaster, gentleman, April 4 at 11, District Court of Bankruptcy, Liverpool.—*John Ridsdale*, Headingley, Leeds, Yorkshire, stuff merchant, April 7 at 11, District Court of Bankruptcy, Leeds.—*Anthony Colingwood*, Foley, Stoke-upon-Trent, Staffordshire, maltster, April 7 at 12, District Court of Bankruptcy, Birmingham.—*Wm. H. Bond*, Brierley-hill, Kingswinford, Staffordshire, wine and spirit merchant, April 7 at 1, District Court of Bankruptcy, Birmingham.—*Charles Webb*, Lichfield, maltster, April 7 at half-past 11, District Court of Bankruptcy, Birmingham.—*John Hoyle Ormerod*, Manchester, wine merchant, April 4 at 12, District Court of Bankruptcy, Manchester.—*Edward Ollerenshaw*, Manchester, hat manufacturer, April 4 at 1, District Court of Bankruptcy, Manchester.—*William Fox*, Gwersyllt, Grestford, Denbighshire, iron-master, March 31, Court of Bankruptcy, London.—*Henry Matthew Walker*, Manchester, and Wakefield, Yorkshire, corn-factor, March 31, Court of Bankruptcy, London.—*Dani. Matthews*, Pendleton, Lancashire, victualler, March 31, Court of Bankruptcy, London.—*Rice Harris*, Birmingham, glass manufacturer, March 31, Court of Bankruptcy, London.—*John Ellis*, Mansfield, Nottingham, brush-maker, March 31, Court of Bankruptcy, London.—*John Holroyd*, Wheatley, near Halifax, Yorkshire, cotton-warp maker, March 31, Court of Bankruptcy, London.—*Jas. Grant Smith*, Bath, Somersetshire, common-brewer, March 31, Court of Bankruptcy, London.—*Jas. Fisher* and *Wm. Milner*, Norwich, drapers, March 31, Court of Bankruptcy, London.—*Chas. Hilton*, Manchester, cotton manufacturer, March 31, Court of Bankruptcy, London.—*James Taylor* and *Jas. Butterworth*, Rochdale, Lancashire, painters, March 31, Court of Bankruptcy, London.—*Thomas Scott*, Tewkesbury, Gloucestershire, innkeeper, March 31, Court of Bankruptcy, London.—*Henry C. Jeffreys*, Much Wenlock, Shropshire, miller, March 31, Court of Bankruptcy, London.—*Thos. Williamson*, Salford, Lancashire, grocer, March 31, Court of Bankruptcy, London.—*Wm. Antill*, Bourne, Gloucestershire, umbrella-stick manufacturer, March 31, Court of Bankruptcy, London.—*Thos. Johnson*, Knaresborough, Yorkshire, draper, March 31, Court of Bankruptcy, London.—*Mark Anthony Hartnell*, Rodborough, Gloucestershire, common carrier, March 31, Court of Bankruptcy, London.

## SCOTCH SEQUESTRATIONS.

*Jean Brown*, Troon, Dundonald, Ayrshire, innkeeper, deceased.—*Thomas Brown*, Troon, Dundonald, Ayrshire, ship-master, deceased.—*Jas. Bruce*, Amphion-place, Edinburgh, organ-builder.—*Shirva Iron Company*, near Kirkintilloch, Dumbarton.—*Adam Martin*, Arbroath, ironmonger.—*G. and J. Cairns*, Glasgow, grain merchants.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Saturday, April 1 at 9.

*Jas. P. Hotch*, King's-terrace North, Bagnigge-wells-road, Clerkenwell, out of business.—*Martin Wilson*, Old Ivy-st.,

Hoxton Old-town, ivory turner.—*Hon. D. Austin*, Winchester-row, New-road, builder.—*Jos. Wilde*, York-place, Stepney, file manufacturer.—*Wm. Hammerston*, Lower-marsh, Lambeth, hair-dresser.

April 3, at the same hour and place.

*Richd. Iles*, St. George's-place, Old Kent-road, Surrey, smith.—*Jos. Cartledge*, Bray's-buildings, Lower-road, Islington, stay-maker.—*Jos. Thos. Lockwood*, Fieldgate-street, St. Mary, Whitechapel, chemist.—*Thos. Gibbings*, Pollard's-row, Bethnal-green, baker.—*Wm. Caney*, Bermondsey-st., Southwark, green-grocer.—*D. Thomas*, North-st., St. John's-wood, surgeon.—*Wm. Purchas*, Cumberland-street, Hackney-road, lieutenant in the Royal Navy, on half-pay.—*John Walham*, Edward-street, Soho, oil and colourman.—*Chas. T. Knight*, Whitechapel-road, chemist.—*John Edmund W. Oakes*, Wakefield-street, Regent's-square, Gray's-inn-road, commercial traveller.

Court-house, LINCOLN, (County), April 3 at 10.

*Mary Wood*, Thetford Barton, near Bourn, out of business.—*Jer. Ulyat*, Crowland, cattle-jober.—*Jos. Sutton*, Crowland, grocer.—*Wm. Rogerson*, Holbeach, out of business.—*Luke Carter*, Guthram Gawt, victualler.—*Wm. Beaumont*, Louth, wheelwright.—*John R. Wilson*, Little Steeping, out of business.—*Hen. Scott*, Louth, carver and gilder.—*Wm. Louth*, Bratof, near Spilsby, farmer.—*J. Griggs*, jun., Crowland, butcher.—*Elizabeth West*, Barrow, Barton-upon-Humber, widow.—*Francis D. Morley*, Gainsborough, out of business.—*Abraham Cundy*, Gedney-hill, farmer.—*Thos. Hare*, Woodhall, out of business.—*Samuel Hudson*, Belton, agricultural labourer.

Court-house, HERTFORD, (County), March 31 at 10.

*Wm. Robinson*, St. Albans, shoemaker.—*Saml. Carridge*, St. Albans, carpenter.—*Wm. Titmoss*, St. Albans, grocer.

Court-house, BATH, (City), March 31 at 10.

*Hen. Prescott*, Bath, carpenter.—*John Britten*, Bath, out of business.—*John Bartlett*, Bath, out of business.—*Thomas Smith*, Bath, mason.—*Saml. Clack*, Bath, butcher.—*John Hornbrook*, Bath, glass cutter.—*Christ. Cook*, Bath, baker.—*J. Eveleigh*, Bath, policeman.—*G. Tulley*, Bath, victualler.—*Geo. Taylor*, Bath, upholsterer.—*Thomas Trickey*, Bath, butcher.—*John Walter*, Bath, china-man.—*R. Taverner*, Bath, mason.

Court-house, TAUNTON, Somersetshire, April 3 at 10.

*Wm. Adams*, Yeovil, grocer.—*Thos. Eyles*, Bath, cabinet maker.—*Edward Holder*, jun., Kenn, out of business.—*S. Cox*, Bath, iron founder.—*Jessie White*, Ashcott, out of business.—*George Lawrence*, Keinton Mandeville, plumber.—*Elizabeth Gerriah*, Bath, widow, out of business.—*Thos. L. Stone*, Hanham Bitton, Gloucestershire, horse dealer.—*Thomas Thayer*, Woolavington, lime burner.—*William Holland*, Wellington, plasterer.—*S. Escott*, Minehead, blacksmith.—*Richard Potter*, Taunton, gardener.—*Robt. Headford*, West Monkton, policeman.

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The Lord Chancellor's Court .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas	J. R. MARSHMAN, Esq. of Lincoln's Inn, Barrister at Law.
Master of the Rolls Court	G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	Dr. H. I. NICHOLL, of Doctors' Commons.
Vice-Chancellor Knight Bruce's Court .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law. <sup>er.</sup>
Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, MARCH 18, 1843.

THE subject on which we offered a few remarks in THE JURIST of last week has now been brought under the notice of the House of Lords; and the result seems to be, that, in the opinion of all the learned Lords who habitually influence the views of that House on legal questions, the general law, as it relates to cases where insanity is pleaded in defence of criminal acts, should remain as it is. Probably, therefore, it will remain, for some time at least, as it is, and the consequence will be, that while practically the new doctrine, that crime is of itself the indication and proof of moral insanity, is so nearly approached as almost to become the law, the preventive and curative consequences, which if that doctrine be sound should accompany its application, are still wholly unattended to; so that we may probably for some years to come have the gratification of living under a criminal law, which says in effect, that, if a man commit a particularly atrocious crime without any apparent cause, he shall be held mad, and therefore irresponsible; but makes no attempt to institute any systematic process of cure of that individual's madness, or to watch over and control incipient criminal monomania in other individuals.

When we assert that in the late trial so near an approach has been made to the new doctrine referred to, as almost to make it the doctrine of the law, we think we are not overstating the result of that trial. There was no evidence of any general insanity; no evidence even of acts of insanity of that particular class in which the prisoner's insanity ultimately developed itself. The evidence went to shew the existence of a particular delusion; the result of which was not a general appetite for homicide, but a particular homicidal intent toward a particular class of individuals. The delusion itself was not of the character of that suggested by Lord Brougham in the arguments in the House of Lords,

where a man fancies another to be a noxious animal or a devil, and where therefore the delusion almost necessarily connects itself with the attempt to destroy the imagined being. In M'Naughten's case, the delusion according to the evidence went simply to this extent, that he falsely imagined himself to be harassed and hunted by a political party. That was his delusion; and it did not necessarily involve any desire to kill his supposed persecutors; such a delusion might on the contrary be quite consistent with a christian disposition to give his cheek to the smiter, and bear in meekness all the supposed injuries inflicted on him. The consequence of M'Naughten's primary delusion, viz. his desire to kill some of his supposed persecutors, was not necessarily therefore itself a delusion; nor did the evidence, as we understood it, go to shew that it was so. On the contrary, while everything connected with the foundation of his inclination to kill partook of insane delusion, everything connected with the execution of his purpose was sufficiently rational; and no inference appears to us to have arisen from his primary delusion—of his being also under an insane delusion, that to kill his supposed enemies was not wrong. His appetite for homicide against the particular class of persons by whom he, under an insane delusion, believed himself injured, was therefore, according to the old modes of reasoning, not a homicidal monomania, but simply a rational vindictive purpose resulting from the irrational belief in an assumed and unfounded fact; and unless at the time that he executed the act of violence he was under a delusion, not as to the supposed injuries inflicted or threatened by his imaginary enemies, but as to the quality of the act he was about to commit, he was, according to the old reasoning, not then, and in reference to his act, insane, and therefore not irresponsible. Now there was no evidence of delusion at the time of the act as to the quality of the act he was about to commit.—Nevertheless the medical witnesses pronounced decided opinions, that he

was insane; a conclusion, we submit, at which they could not have arrived, unless they took as the test of insanity, the tendency rationally to commit a crime of violence, under the irrational incitement of a delusive impression; in other words, unless they took the tendency to commit crime without such a motive as ordinary men would call rational, to be the test and proof of insanity. Therefore, we repeat, that the practical result of the late trial is a very close approximation to the doctrine, that the exhibition of a tendency to commit crime without those inciting causes, which to ordinary minds appeared reasonable causes, is to be taken as evidence of partial insanity.

That no such doctrine was laid down or pointed at from the bench is, of course, admitted; and that no such doctrine forms any part of the law, *quâ* law, may be also admitted. But it must be recollected, that, on trials involving the question whether the prisoner is insane or not, both the court and the jury are almost entirely at the mercy of the medical witnesses. When the Judge lays down as a rule, that if the prisoner at the time of committing the act for which he is tried, could distinguish right from wrong, he is responsible, and vice versa, he does all that he can do, for he states all the law that there is to be stated; but it is after all only a conditional rule; and the question of fact is, in reality, also the question of law; because the question is not whether the prisoner killed a man or not, or whether in accomplishing that purpose he applied rational powers of mind or not; but whether his mind was in a fit state to determine the particular point; whether then and there to kill was or not a wrongful act. This is in such cases the question of fact, which is now determined in general, not by the knowledge of the jury, but by the opinions of the medical witnesses; the opinions therefore of these witnesses, in such cases, determine whether the prisoner has or not committed a crime for which he is amenable to the laws.

The result of all this is, that the rule of law and the rule of medical science are not in harmony. The one says to the jury—"The test of insanity is the incapacity to judge at the time of an act whether it is right or wrong according to the law;" the other says—"The commission of an act legally wrongful, coupled with the absence of any sane motive for the commission of it, is the test of insanity." And from the mode of conducting a trial, and of taking the evidence of scientific witnesses, the latter, as we have shewn, in effect lay down the law, by authoritatively laying down what constitutes insanity. How then can that law be said to be in a satisfactory state, which is solemnly stated by the court one moment, only to be practically overruled the next by the self-constituted authority of the men of science called in as witnesses? How can that law be considered in a satisfactory state, which, professing to determine according to one rule, permits a determination according to another, and yet follows out the consequences of the determination, not with reference to the principle on which it has been made, but with reference to the principle on which it has not been made?

Let us observe too, that the law on this subject, independently of any conflict with that science with which it is compelled to act, is in itself anything but consistent. It professes for instance to hold a man guiltless of

legal crime if he be insane, on the ground that he does not know right from wrong, and is therefore irresponsible; yet, if a man commit crime in a state of intoxication, his incapacity then to distinguish right from wrong, which is as great as that of an insane person, is no plea in his defence. Why should the irresponsibility proceeding from incapacity be a defence in the one case more than in the other? It is no argument to say, that the incapacity arising from drunkenness is voluntarily induced, and that arising from insanity is involuntary; for that is in fact to say, that a man shall be punished, not for the criminal act, but for some other act in itself not legally criminal; and besides, that would exclude from the operation of the rule all that large class of cases of insanity where the insanity is the result of excessive indulgence in intoxicating drinks.

On the whole, notwithstanding the authority of the very eminent persons who appear to hold a contrary opinion, we venture to press on our readers that the law on insanity in criminal cases, is in anything but a satisfactory state; and we should rejoice to see it investigated by the united wisdom of the most learned in the two professions under whose special notice it is brought. At present it is hovering between the old doctrines and the new; and the question in each new trial, whether a man shall be hanged as a criminal or shut up as a madman, seems to depend on the chances of whether the medical witnesses are more or less imbued with the new theories of moral insanity, and whether the jury shall happen to imbibe with greater avidity the principle of the law overtly laid down by the Court, or the principle of evidence tacitly enforced by the medical witnesses.

## Imperial Parliament.

### HOUSE OF LORDS.

*Monday, March 13.*

*The Lord Chancellor rose pursuant to notice, to call the attention of the House to the subject of the plea of insanity in criminal cases. His Lordship commenced by observing on the extremely delicate and difficult nature of the subject arising out of the imperfect state of scientific knowledge on the characteristics and attributes of insanity, particularly in reference to partial insanity, in which the person affected is frequently perfectly rational, and even acute on general subjects, and labours under a morbid delusion on one or more only. After mentioning several instances of this species of insanity, where the acuteness of the patient in concealing his disease had baffled men of great sagacity and learning, his Lordship proceeded to that which was in fact the question agitating the public mind, viz. whether the present general law of insanity should be altered in any and what way; and his Lordship at once, and without any reservation, declared his opinion to be, that the law as it at present stood, was sufficient, and ought not to receive any alteration. Citing several cases where the plea of insanity had been set up, and referring to the language used by several eminent Judges, his Lordship thus laid down what is the law at present, that if a party at the time he commits a criminal act is in such a state of mind as not to know that he is doing a wrongful act, he is not to be held legally responsible; but if he does know that his act is wrongful, then he is responsible. His Lordship observed upon the soundness of this rule, and its consistency with the feelings of mankind. Could their Lordships say, that if a man when he commits a crime, is under the influence of delusion and insanity, so as not to know right from wrong, or the character of the act he is committing, was it possible that their Lordships should by any legislative provision, make such a man the subject of punishment? They might pass such a law, but the common feeling of men would revolt against it, and they would be compelled to retrace their steps. With re-*



gard to the mode of administering the law, his Lordship said that he could suggest no beneficial alteration in that circumstance. It was the right of the accused party to be tried by a jury; to suggest such defence as he thought fit; to have the assistance of counsel to comment on the case; and the whole was presided over by a judge of experience, whose duty it was to recapitulate the evidence and state the law to the jury, and leave it to the jury, the proper constitutional tribunal of the country, to draw the inference of fact. If the jury erred in this, that was a mischief against which the Legislature could not provide. After some comments on the late trial, in which his Lordship observed, that, looking at the evidence, it was impossible that a different verdict could have been arrived at, his Lordship concluded, by advising that no alteration should be made in the general law on the subject. But with regard to precautionary regulations for diminishing the frequency of such lamentable events as the late murder, he proposed in a few days to lay a bill before the House.

Lord Brougham followed the Lord Chancellor, and commented on the vagueness of the terms used by different learned judges in laying down the law on the question of insanity. Some spoke of the accused being able to distinguish between "right and wrong," others used the words "wicked," "improper," "blamable." What he wished was, to see the law laid down, if need be, by a short enactment, in terms specific, so that all should be able to understand them. What the judges meant by right and wrong was, what was according to or contrary to the laws; and that was the test which he should be content to see adopted,—having it clearly laid down, so that the public could know what was meant in such cases by distinguishing between right and wrong.

After some observations from Lords Cottenham and Campbell, both of whom concurred with the other learned Lords in desiring no alteration in the general law as regards the plea of insanity in criminal cases, the conversation dropped.

#### HOUSE OF COMMONS.

*Monday, March 13.*

The Registration Bill went into committee, and with some alterations was settled as far as the 48th clause.

*Wednesday, March 15.*

Lord J. Russell opened the adjourned debate on the question of privilege by calling the attention of the House to the Resolution of the 30th May, 1837, by which the House declared, that, to institute &c. any suit or proceeding for bringing into discussion anywhere, except before the House, the privileges of the House, is a high contempt. His Lordship then, in a very calm and argumentative speech, reviewed the dangers and mischiefs impending over the privileges of the House from either of the courses of proceeding proposed, and pointed out in particular the great impropriety of surrendering their privileges to the courts of law, over the judges of which the Houses of Parliament formed the only constitutional check. His Lordship, without pledging himself to reject the course proposed by the Solicitor-General, recommended at present a middle course, viz. to call the plaintiff Howard to the bar, and inquire of him whether he brought his action to dispute the privilege of the House, or only to obtain damages for excess of the officers in the execution of it; and if the former, then to inform him that he was guilty of a breach of privilege, and to order him to desist on pain of committal. But his opinion was, that, in this case, and in the great majority of such cases, the plaintiff would obey the order of the House, and the matter would there end. He moved, "That Thomas B. Howard be summoned to attend at the bar of the House to-morrow."

The Attorney-General replied to Lord John Russell's speech, admitting to the fullest extent the doctrine, that the House is and ought to be the sole judge of its own privileges. But he thought that, in such cases as the present, it was more becoming the dignity of the House to allow the matter to be referred to a court of law, and to reserve its demonstration of its authority by strong measures for cases of greater emergency. He commented on the cases in which the Court of Chancery has exercised its jurisdiction to restrain parties from proceeding against its officers elsewhere, and pointed out that courts proceed in that mode to assert their authority, because it is the only mode in which they can assert it; but he thought it would be an undignified assimilation of the proceedings of the House to those of courts inferior to it, to adopt the measure of com-

mitting attorneys and their clerks, and sheriffs and sheriffs' officers.

Sir R. Peel argued, that, if the House refused to allow the officers to plead, they would incur considerable difficulties; the authority of the House was undoubted, but after all it was limited; limited by the duration of the session; limited by the internal difference of opinion which the public could not fail to perceive existed; and limited by that public opinion which was in fact the basis and protector of its privileges. He therefore concurred in this instance in the propriety of pleading. The Right Honourable Baronet having thus delivered his opinion on the practical point before the House, expressed his doubts whether the opinion entertained by some gentlemen of the high probability that the courts would support the privilege of the House, was well founded; and his full determination if they did not, to be prepared to vindicate them if in any degree interfered with.

Sir T. Wilde adhered to his original opinion, and in a speech of great fire and eloquence, urged that there was never a more fitting occasion than now for the House to vindicate its authority. The learned member vehemently protested against submitting the privilege of the House to the narrow and technical modes of reasoning adopted by courts of law; and contended that the public service required that the House should not be cramped in the exercise of its authority by nice distinctions and legal rules. He referred again to the practice of the Court of Chancery and other courts, and contended that the House ought to support its authority as those courts did, by fearlessly exercising its power to commit.

The Solicitor-General replied; and by pursuing the proceedings step by step, if the House did not permit a plea to be entered, shewed that, ultimately, it could not assert its authority without bringing into collision the civil authorities and the armed force placed at the disposal of the House. The learned member also shewed that in many cases that might be put, the House could not withhold the consideration of its privileges from the courts of law; as in the case of an officer ordered by the House to search for a party in the house of another, if the owner of the house refused to acknowledge the title of the officer, and in putting him out a scuffle ensued, and the officer was killed. Now, unless the House appointed a committee to try the question of murder, it must go before the courts of law; and the question whether a murder had been committed or not, would depend on the opinion of the judges whether the officer's warrant was legal or not. After shewing all the inconveniences which must arise from taking either the course of not pleading, or that proposed by Lord J. Russell, he concluded by opposing the latter.

After some observations from Lord Howick and Mr. Duncombe, the House divided and rejected Lord J. Russell's motion by a majority of 73, (157 and 84); and then again divided on the original motion, which it affirmed by a majority of 64, (135 and 71).

#### BILL IN PROGRESS.

*A Bill for carrying into Effect, with Modifications, certain of the Recommendations contained in the General Report of the Commissioners appointed to inquire into the Practice and Jurisdiction of the Ecclesiastical Courts of England and Wales, and for otherwise altering and amending the Law in certain Matters Ecclesiastical.*

Preamble—Recites the commission issued 28th January, 1829, and the report made in pursuance of such commission on the 15th February, 1832, and the general purport of such report.

1. That every parish, place or district, at present locally situated, wholly or in part, within or adjoining to any archdeaconry, diocese or province, but exempt, wholly or in part, from the jurisdiction of the archdeacon, bishop or archbishop of such archdeaconry, diocese or province respectively, whether the ecclesiastical jurisdiction in such exempt parish, place or district belong to or be claimed by her Majesty, or any archbishop, bishop, lord of a manor, body politic or corporate, or any person whomsoever, or whether such parish, place or district be wholly exempt from all ecclesiastical jurisdiction whatsoever, shall form part of the archdeaconry, diocese and province, respectively, within which such parish, place or district is locally situated, where the same is wholly situated within any one archdeaconry, diocese and province; and if the same

be situated in or adjoining to two or more archdeacons in the same diocese, the same shall form part of the said diocese and of such of the said archdeacons as the bishop of the said diocese shall, by an instrument under his hand and seal, to be registered in the registry of his diocese, appoint; and if the same shall be situated in or adjoining to two or more archdeacons in two or more dioceses of the same province, the same shall form part of such of the said archdeacons and dioceses as the archbishop of such province shall, by an instrument under his hand and seal, to be registered in the registry of his province, and in the registry of the diocese of which the same shall form part, appoint; and if the same shall be situated in, or adjoining to, two or more dioceses in different provinces, the same shall form part of such of the said archdeacons and dioceses, and of such province, as her Majesty in council shall appoint, by an order which shall be registered in the registry of the province, and in the registry of the diocese whereof the same is to form part; and the registrars of the several registries are hereby required to receive and register such instruments and orders respectively, without fee or reward; and every archbishop, bishop and archdeacon respectively shall, when and so soon any such parish, place or district as aforesaid shall, by virtue or under the provisions of this act, become and be part of his province, diocese or archdeaconry, exercise the same jurisdiction, and have the same power and authority therein, and over the whole clergy and others her Majesty's subjects, inhabitants thereof, for all purposes, and in all respects whatsoever, as such archbishop, bishop or archdeacon exercises and has in any other part of his province, diocese or archdeaconry respectively; and all the ecclesiastical jurisdiction in any such parish, place or district, belonging to or claimed by her Majesty, or any other archbishop, bishop, archdeacon, lord of a manor, body politic or corporate, or any person or persons whomsoever, shall thenceforth cease and determine.

2. That all donatives (whether the same be rectories, vicarages, stipendiary preacherhips, or curacies) shall become and be, as to such rectories or vicarages, benefices presentative, and as to such stipendiary preacherhips or curacies, perpetual cures and benefices; and that the person or persons who, if this act had not been passed, would for the time being have been entitled to make donation thereof, shall be entitled to present or nominate thereto, as the case may be, and the persons presented or nominated thereto shall be entitled to be admitted thereto, by institution and induction, or license, as the case may be, in as full a manner as persons presented or nominated to other benefices with cure of souls are now entitled to be admitted, and not otherwise; and all such benefices, presentative or otherwise, shall lapse in like manner as presentative livings, and the same, and the churches and chapels therein, and the ministers, churchwardens and other officers and inhabitants thereof, shall be subject to the visitation and jurisdiction of the archbishop of the province, the bishop of the diocese, and archdeacon of the archdeaconry respectively, and be subject to all such laws, incidents and consequences, as other benefices having cure of souls, and to which admission has heretofore been had by presentation, institution and induction, or by nomination and license are subject: provided always, that in case the person entitled to present or nominate to any such benefice shall suffer lapse to incur, but shall present or nominate before any advantage taken thereof by the ordinary, metropolitan or Crown, respectively, such presentation or nomination shall be as effectual as if made within six months, although so much time be before elapsed as that the title by lapse be vested in the Crown.

3. That it shall not be lawful for her Majesty, or for her successors, to found, nor to license any of her or their subjects to found, any donative church or chapel, nor to exempt any church or chapel, or the minister or officers thereof, from ordinary ecclesiastical visitation and jurisdiction.

4. That in pursuance of an act passed in a session of Parliament held in the 6 & 7 Will. 4, intituled, "An Act for carrying into Effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage," there shall be established a bishop's Consistorial Court, together with all necessary and accustomed officers and offices, for each of the dioceses of Ripon and Manchester; and such courts, as well as the several other archbishops' and bishops' courts mentioned in schedules (B.) and (C.) to this act annexed, shall be held respectively at the several places

mentioned in the said schedules; and all other ecclesiastical courts in England and Wales shall be abolished, and the functions of the judges, registrars, deputy-registrars, and other officers thereof, shall cease and determine, save as to keeping custody of and preserving wills and other documents until required, under the provisions of this act, to transmit the same elsewhere: Provided always, that the said court at Manchester shall not be established until the see of Manchester be erected: Provided also, that nothing hereinbefore contained shall extend to abolish the jurisdiction, or any part thereof, to be exercised under an act passed in a session of Parliament held in the 2 & 3 Will. 4, intituled, "An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to his Majesty," or the jurisdiction to be exercised under an act passed in the 4 Vict., intituled, "An Act for better enforcing Church Discipline."

5. That the whole of the jurisdiction in England and Wales in granting probates and administrations, and also the whole of the original contentious ecclesiastical jurisdiction, civil and criminal, heretofore exercised in any court or courts in England or Wales, except the jurisdiction in matters ecclesiastical which by any law or statute now in force belongs to and is exercised by any justice or justices of the peace, except also the jurisdiction to be exercised under the said act for better enforcing church discipline, except also the jurisdiction under divers acts of Parliament respecting the residence of and other matters of ordering the clergy, and except also as in this act is otherwise provided, shall exclusively belong to and be exercised by her Majesty, in a court to be called "Her Majesty's Court of Arches," which court shall sit in London, or in such other place as her Majesty in Council shall from time to time appoint; and that all probates and administrations as aforesaid shall issue in her Majesty's name, under the seal of and from the registry of the said court, or under the seal of and from one of its branch registries hereinafter mentioned, and from no other court or registry whatsoever within England or Wales; and that from the said Court of Arches no appeal shall lie except to her Majesty in council, as hereinafter provided.

6. That there shall be one judge of her Majesty's Court of Arches, who, being a member of the United Church of England and Ireland as by law established, shall be appointed by her Majesty, by letters patent under the great seal, and shall be styled "The Dean of the Arches;" and that the person so from time to time to be appointed Dean of the Arches shall be or shall have been an advocate of her Majesty's said Court of Arches of ten years' standing at the least, and shall hold his office during his good behaviour, notwithstanding any demise of the Crown, subject nevertheless to be removed in such manner as the judges of her Majesty's superior courts at Westminster may be removed.

7. Oath to be taken by the Dean of the Arches.

8. Seals to be made.

9. That no action shall lie against the judge of her Majesty's Court of Arches for error in judgment, and that the said judge shall be entitled to and have all privileges and protections in the exercise of his jurisdiction as judge of the said court, which by law appertain to the judges of her Majesty's superior courts at Westminster, in the exercise of their several jurisdictions.

10. Judge incapable to serve in House of Commons.

11. That it shall be lawful for the judge of the High Court of Admiralty for the time being, having first subscribed a declaration in the words and manner aforesaid, to be assistant to the judge of the said Court of Arches, and while so assistant, and also during any vacancy of the office of Dean of the Arches, to exercise all the power, authority and jurisdiction, and to have all the privileges and protections of the judge of the said Court of Arches, with respect to all suits and proceedings in such court; and that all suits and proceedings, and all things relating thereto, so brought or taking place before the judge of the said High Court of Admiralty, whether the judge of the Court of Arches be or be not at the same time sitting or transacting the business of the same court, shall be of the same force and effect, in all respects, as if the same had been brought, or had taken place, before the judge of the Court of Arches himself; and all such suits and proceedings shall be entered and registered as having been brought, and as having taken place, before the judge of the said High Court of Admiralty, sitting for or in the place of the judge of the Court of Arches; and it shall be lawful for the judge of the High Court of Admiralty to employ a person to act as his clerk, whose salary, not exceeding the yearly sum of 120*l.* shall be payable,

issued and paid out of, charged and chargeable upon the fee fund of the said High Court of Admiralty.

12. That all such advocates practising in the Arches Court of Canterbury as are now surrogates of such court, shall become and be surrogates of her Majesty's Court of Arches, and that the judge of the last-mentioned court may hereafter from time to time appoint such and so many of the advocates of such court to be surrogates thereof as he shall think fit; and all such before-mentioned surrogates of her Majesty's Court of Arches shall have and exercise the authority and jurisdiction of such court, in like manner as surrogates appointed by the judges of any Ecclesiastical Courts now have and exercise the authority and jurisdiction of such last-mentioned courts; and the said judge, if he shall think fit, may also from time to time appoint any person or persons, being a surrogate or surrogates of any court mentioned in the said Schedules (B.) and (C.), to be a surrogate or surrogates of her Majesty's Court of Arches; and every such person shall thereupon and during the pleasure of the said judge, have and exercise so much of the jurisdiction of the said court, and within such district, as the said judge in and by the act of court appointing him to be such surrogate, shall authorize and empower him to exercise.

13. That there shall be for her Majesty's Court of Arches, three registrars, who shall (except as hereinafter mentioned) be appointed by the judge of the said court, subject to the approbation of her Majesty in Council; and every registrar of the said court shall hold his office during his good behaviour, subject, nevertheless, to be removed by the said judge, for good and reasonable cause, such removal to be approved of by her Majesty in Council; and that the persons who, on the 31st December 1842, were the deputy registrars of the Prerogative Court of Canterbury, shall become and be the first registrars of the said Court of Arches; and every registrar hereafter to be appointed for the said Court of Arches shall be taken from among advocates practising therein, of five years' standing at the least, or from among proctors of ten years' standing at the least, on the list of proctors of the said court: provided always, that no person who shall hereafter be appointed a registrar of such court shall, whilst he continues to be such registrar, practise as an advocate or be a Fellow of the College of Advocates, or directly or indirectly, by himself or in the name of any other person, practise as a proctor in the said court.

14. That there shall be for her Majesty's Court of Arches so many examiners as the judge of the said court shall from time to time think fit, five principal clerks of seats, one sealer, two keepers of the records, one accountant, one auditor, five assistant clerks of seats, one apparitor, and one usher; and the persons who on the 31st December 1842 were sealer, keeper of the records, and apparitor of the Prerogative Court of Canterbury, shall, subject to the rules and conditions hereinafter mentioned, become and be officers of, and exercise as near as may be the same functions in, her Majesty's Court of Arches, as they or the like officers have hitherto exercised in the Arches or Prerogative Courts of Canterbury.

15. That no person shall be appointed to be principal clerk of a seat in the registry of her Majesty's Court of Arches, unless he be a notary public and a proctor in the said court: provided always, that any principal clerk of a seat or chief assistant clerk of a seat in the registry of the Prerogative Court of Canterbury, duly appointed and acting as such on the 31st December 1842, may be appointed a principal clerk of a seat in the registry of her Majesty's Court of Arches, though such person be not a notary public or a proctor of the said court.

16. Appointment of persons to execute process, of clerk and ministers.

17. Appointment of additional officers.

18. Account of increase of appointments and of salaries to be laid on the table of the House of Commons.

19. Appointments by the judge to be by warrant.

20. That in lieu of all fees, there shall be paid out of the fund, and in the manner hereinafter mentioned, to the judge of her Majesty's Court of Arches, the yearly sum of 4500*l*.

21. Retiring pension to the Dean of the Arches, 2250*l*.

22. Salaries to registrars, clerks of seats, &c., and retiring pensions to registrars according to Schedule (A.).

23. That all persons now entitled to practise as advocates in the Arches Court of Canterbury, shall be entitled to practise in her Majesty's Court of Arches without further admission; and that advocates shall henceforth be admitted in the last-mentioned court, in the same manner and subject to the same rules

and regulations, and upon the same conditions, as advocates have heretofore been admitted in the Arches Court of Canterbury, save as far as such manner, rules, regulations and conditions may be altered by virtue or under the provisions of this act: and all and every the powers, authorities, matters and things relating to the admission or practice of advocates in the Arches Court of Canterbury, as now are or may be exercised by the Archbishop of Canterbury, or by the judge of the Arches Court of Canterbury, shall be transferred to, and may be exercised by, the judge of her Majesty's Court of Arches, and in the same form and manner, or as near thereunto as the substitution of the Dean of the Arches for the Archbishop of Canterbury, and her Majesty's Court of Arches for the Arches Court of Canterbury, will admit.

24. That any person who, on being duly admitted an advocate of the Arches Court of Canterbury, in pursuance of the rescript of the Archbishop of Canterbury, would have been qualified to be a candidate for admission, and to be elected and admitted a fellow of the college of doctors of laws exercent in the Ecclesiastical and Admiralty Courts, shall on being duly admitted an advocate of her Majesty's Court of Arches, in pursuance of the provisions of this act, be qualified to be a candidate for admission as, and to be elected and admitted a fellow of such college, in conformity with the other terms and conditions contained in the charter of incorporation of the said college, and having been so elected and admitted, shall have, possess, exercise and enjoy the same rights and privileges and immunities in all respects, and be subject to the same rules and regulations, as any other of the fellows of the said college.

25. That all persons now entitled to act as notaries and proctors in the Arches Court of Canterbury shall be entitled to act as notaries and proctors in her Majesty's Court of Arches, without further admission; and that all persons now serving or who shall hereafter serve as articulated clerks to persons entitled to act as proctors in the Arches Court of Canterbury, or in her Majesty's Court of Arches, and entitled, according to the rules and regulations which are now or may hereafter be in force, to take articulated clerks, and all persons who have served such clerkship, but have not yet been admitted, shall (being notaries) be entitled to be admitted as proctors in her Majesty's Court of Arches, in the same manner, and subject to the same rules and regulations, and upon the same conditions as proctors have heretofore been admitted in the Arches Court of Canterbury, save as far as such manner, rules, regulations and conditions may be altered by virtue or under the provisions of this act; and all and every the powers, authorities, matters and things relating to the admission or practice of such proctors, which now are or may be exercised by the Archbishop of Canterbury or by the judge of the Arches Court of Canterbury, shall be transferred to and may be exercised by the judge of her Majesty's Court of Arches, and in the same form and manner, or as near thereunto as the substitution of the Dean of the Arches for the Archbishop of Canterbury, and her Majesty's Court of Arches for the Arches Court of Canterbury, will admit: provided always, that, save as hereinafter mentioned, the same duty shall be paid by persons admitted proctors of her Majesty's Court of Arches as hath hitherto been payable upon the admission of proctors in the Arches Court of Canterbury.

26. That all persons who were on the 1st January, 1843, actually admitted and practising as proctors, or proctors and notaries, in any Ecclesiastical Court of England or Wales, may, within one year after the passing of this act, be admitted as proctors of her Majesty's Court of Arches without the payment of any further duty; and all persons who have duly served, or who on the said 1st January were actually serving, under articles as clerks to persons practising exclusively as proctors, or proctors and notaries, in any Ecclesiastical Court of England or Wales, may within one year after the passing of this act, or within one year after the expiration of their respective times of service, be admitted proctors of her Majesty's Court of Arches, and being so admitted respectively, shall be entitled to act and practise as proctors in the said Court of Arches and in the High Court of Admiralty of England, so long as they act and practise as proctors and notaries exclusively, and no longer: Provided always, that the admission of such persons shall take place in such manner, and according to such rules and regulations, and upon such conditions, as are prescribed for the admission of proctors in the said Court of Arches, so far as such manner, rules, regulations and conditions are applicable to the cases of such persons: Provided

also, that no person shall, so long as he continues on the list of proctors of the said Court of Arches, be capable of acting as surrogate, or proctor, in any business relating to the grant of probates or administrations in any branch registry of the said court.

27. That all persons who on the 1st January, 1840, were actually serving under articles as clerks to any proctor practising in the Arches Court of Canterbury, shall, when admitted as proctors of her Majesty's Court of Arches, be placed in the list of proctors next to those who, at the time of passing this act, were entitled to act as notaries and proctors in the Arches Court of Canterbury.

28. Provisions of 53 Geo. 3, c. 127, to apply to proctors of Court of Arches.

29. That the jurisdiction of her Majesty's Court of Arches shall extend throughout England and Wales, and be exercised in the name of her Majesty, and that all probates and administrations, citations, and other instruments, save as hereinafter is otherwise specially provided, and all process issuing out of the said court, shall be in the name of her Majesty, and shall extend to and be executed and have effect throughout England and Wales; and that all instruments whatsoever issuing from the said court, and requiring to be sealed, shall be under the seal of the said court.

30. That the course of proceeding in her Majesty's Court of Arches shall, subject to such rules and orders as shall from time to time be duly made, be according to the present course of proceeding in the Arches and Prerogative Courts of Canterbury in cases of the like nature; and that all laws, statutes, customs, canons, constitutions, usages and practices now in force in the said courts, shall apply to, govern, and be observed in and be put in execution by the said Court of Arches, except so far as such course of proceeding, laws, statutes, customs, canons, constitutions, usages and practices, or any of them, may be repealed or varied by or under the authority of this act, or may be inconsistent with the provisions thereof.

31. That it shall be lawful for the judge of her Majesty's Court of Arches, in all suits, proceedings, businesses, matters and things within the jurisdiction of the said court, to issue all such commissions and requisitions as the judge of the Arches or Prerogative Court of Canterbury might and ought respectively to have issued, in suits, proceedings, businesses, matters and things within his jurisdiction; and that all such commissions and requisitions shall issue in the name of the judge of her Majesty's Court of Arches, and shall be directed and executed throughout England and Wales and elsewhere, in the same manner, and to and by the same persons, as commissions and requisitions heretofore issuing from the said Arches and Prerogative Courts of Canterbury respectively, have heretofore been respectively directed and executed within the province of Canterbury and elsewhere.

32. That in all suits, proceedings, businesses, matters or things which shall or may be within the jurisdiction of her Majesty's Court of Arches, by virtue of this act or otherwise, it shall be lawful for the said court to order that the costs thereof or any sum of money less than the ascertained or estimated amount of such costs, be paid in such manner, and by and to such persons, and at such times, and in such proportions, and out of such funds, as to the said court shall seem just; and that the judge, surrogates, advocates, registrars, examiners, proctors, officers, clerks and ministers of the said Court of Arches, and commissioners appointed thereby, shall, as to all suits, proceedings, businesses, matters and things within the jurisdiction of such court, and in all places in and throughout England and Wales or elsewhere, in addition to the rights, powers, authorities, privileges, duties, acts, matters and things which this act expressly confers or imposes on them, or empowers or requires them to do, have, exercise, enjoy, perform and do, all other rights, powers, authorities, privileges, duties, acts, matters and things, which the judges, surrogates, advocates, registrars, examiners, proctors, officers, clerks and ministers of the Arches or Prerogative Court of Canterbury, and commissioners appointed by either of the said courts, have respectively heretofore had, exercised, enjoyed, performed and done, as to the suits, proceedings, businesses, matters and things within the jurisdiction of such courts respectively, and as to places within the limits of their local jurisdiction, or elsewhere, save in so far as the same may be contrary to, or inconsistent with, the provisions of this act.

33. That the judge of her Majesty's Court of Arches may from time to time make, repeal or alter rules, orders and regu-

lations respecting the practice and mode of proceeding of the said court, and the conduct and duties of the surrogates, registrars, examiners, proctors, officers, clerks and ministers of the said court, and also, subject to the approval of her Majesty in Council, respecting the admission of the advocates, surrogates and proctors thereof.

34. Table of fees, under 10 Geo. 4, intitled "An act to regulate," &c. to continue till altered by the judge of Court of Arches, with approval of her Majesty in Council.

35. And whereas it is expedient that the registrars of the Court of Arches shall be empowered to tax bills of costs between proctors and their clients; be it enacted, That from and after the passing of this act no proctor or branch proctor of the said Court of Arches shall commence or maintain an action or suit for the recovery of any fees, charges or disbursements, for any common form or other business transacted by him as a proctor or branch proctor of the said court, until after the expiration of one lunar month after such proctor or branch proctor shall have delivered to the party to be charged therewith, or left for him, at his dwelling-house or last place of abode, a bill of such fees, charges and disbursements, written in a common legible hand and in the English tongue, except such law terms, names and titles as are or have been heretofore in common and ordinary use in the Arches and Prerogative Courts of Canterbury, and in words at length, except times or sums, which bill shall be subscribed by such proctor, or, in case of partnership, by one of the partners to whom such fees, charges and disbursements shall be due and owing, and upon application of the party chargeable by such bill to the judge of the Court of Arches; and, upon the submission in writing signed by such party to pay the whole sum that, upon taxation of such bill, shall appear to be due to the said proctor, the said judge shall forthwith refer the said bill, and the said proctor demand thereupon, although no action or suit shall then be depending in any court thereupon, to be taxed and settled by one or more of the registrars of the said Court of Arches; and if the said proctor or such party having due notice shall refuse or neglect to attend such taxation, the said registrar may proceed to tax such bill *ex parte*; pending which reference and taxation, no action shall be commenced or prosecuted touching the said demand; and upon the taxation and settlement of such bill an demand, such party shall forthwith pay to the said proctor the whole sum that shall be found to be or remaining due thereon which payment shall be a full discharge of the said bill an demand; and if upon the said taxation it shall be found that such proctor has been overpaid, the said proctor shall forthwith refund and pay unto the party entitled thereunto all such money as the said registrar shall certify to have been so overpaid; and the said court is hereby authorized to award the costs of such taxation to be paid by the parties according to the event of the taxation of the bill; (that is to say), if the bill taxed be less than a sixth part than the bill delivered, then the proctor is to pay the costs of the taxation; but if it shall not be less by such sixth part, the court in its discretion shall charge the proctor or client in regard to the reasonableness or unreasonableness of such bill; and in any action brought by such proctor for the recovery of such fees, charges and disbursements, the submission of the party and the taxation of such bill shall be *prima facie* evidence of the retainer of the proctor, and that the business in respect of which such fees, charges and disbursements are sought to be recovered was actually done, and that such fees, charges and disbursements are fair and reasonable.

36. Evidence may be taken *viva voce* in court.

37. Evidence may be taken *viva voce* before a commissioner being an advocate or barrister at law of not less than seven years' standing.

38. That in any contested suit depending in her Majesty's Court of Arches, the judge of the said court may, on the application of any of the parties to such suit, if he shall think fit, to do, direct a trial by jury of any issue or issues on any question or questions of fact, arising in any such suit, in manner hereinafter mentioned; and in any suit respecting the validity of any will, or of any writing or appointment in the nature of a will, depending in the said court, it shall be lawful, after the taking of the depositions on the first plea in the said cause for the said judge, if he shall see fit, to direct that public bills shall pass thereon, and upon publication, or at any subsequent period in the suit, to direct, on the application of any of the parties to the said suit, a trial by jury of any such issue or issues as aforesaid; and the parties to such issue or issues, and the substance and form thereof, shall be specified

by the judge of the said court; and if the parties differ in drawing such issue or issues, the judge of the said court shall settle the same; and the said judge shall have power to direct that any party to the suit shall be examined as a witness on such trial, and that such wills, deeds, evidences and writings shall be produced, and that copies of any wills, deeds, evidences or writings shall be received and read in evidence, and that such facts shall be admitted as to the said judge shall seem fit.

39. That such issue or issues shall be tried before some judge of her Majesty's superior courts of common law at Westminster, at the sittings of Nisi Prius in London or Middlesex, or before some judge of assize at Nisi Prius, as to the judge of her Majesty's Court of Arches shall seem fit, who shall also direct whether the trial of the said issue shall be had by a common or a special jury, and if by a special jury, whether the parties, or either of them, shall be at liberty to pray a tales, in case a full special jury shall not attend to be sworn.

40. That where any issue shall be directed to be tried according to the provisions of this act, it shall be lawful for the judge of her Majesty's Court of Arches, if he shall think fit, to direct that any deposition already taken in the suit shall, if the witness making such deposition would be a competent witness at the trial of such issue, be read in evidence at such trial: provided, that nothing hereinbefore contained shall prevent either of the parties to such suit from compelling the attendance of and examining or cross-examining, as the case may be, such witness orally, if he shall think fit to do so.

41. That when the trial of any such issue so directed as aforesaid shall have taken place, the record of the said issue, and of the verdict thereon, shall be transmitted by the associate or other proper officer to her Majesty's Court of Arches after such trial; and the verdict of the jury upon any such issue (unless the same shall be set aside in manner hereinafter provided) shall be conclusive upon the said Court of Arches, and upon all such persons, and to such extent, as a verdict found in a court of common law; and in all further proceedings in those cases in which such fact is found, the said Court of Arches shall assume such fact to be as found by the jury.

42. The court to have power to order new trials.

43. That the granting or refusing an issue, and also the granting or refusing a new trial, shall be matter of appeal.

44. Taxation and payment of costs of issues.

45. Provisions of 3 & 4 Will. 4, c. 42, extended to Court of Arches.

46. That if upon the trial of any issue directed by her Majesty's Court of Arches, or upon any *vivâ voce* examination, either in open court or before a commissioner, or upon any deposition or affidavit on oath, or affirmation, where affirmation is allowed by law instead of an oath, or affidavit taken under or by virtue of the provisions of this act, either before the judge of the said court or his substitute, or before a surrogate of such court, or under any commission issuing out of the said court, any person shall wilfully and corruptly swear, depose or affirm falsely, every person so offending shall, as the case may be, be deemed and taken to be guilty of perjury, and shall be punished accordingly, or shall incur the same penalties and forfeitures as are enacted against persons convicted of wilful and corrupt perjury; and every person who shall wilfully and corruptly make and subscribe any declaration, under or by virtue of the provisions of this act, or in any case where in relation to any of the subject matters of this act, where a declaration is allowed by law in place of an oath or affirmation, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor, and shall be punished accordingly.

47. Attendance of witnesses, and production of papers, &c., any be compelled by subpoena.

48. Court of Arches not to pronounce any sentence of excommunication, nor Court of Chancery to issue writ de contumacia capiendo, in pursuance of significavit.

49. That any person charged with any offence cognizable in her Majesty's Court of Arches, shall in lieu of being proceeded against in the said court for his soul's health, and the lawful correction of his manners and excesses, be liable to be articulated against in the said court, in the same form and manner, as nearly as may be, as persons charged with offences cognizable in the High Court of Admiralty, are liable to be articulated against in that court, and not otherwise; and the said Court of Arches may, at its discretion, monish any person duly convicted thereon of any offence cognizable in the said court, or fine him in any sum not exceeding 40*l.*, and sentence him to imprisonment for any period not exceeding three months; and where

any person having been duly cited to appear in her Majesty's Court of Arches, or required to comply with any lawful order or decree, whether final or interlocutory, of such court, shall neglect or refuse to appear, or neglect or refuse to pay obedience to such lawful order or decree, or when any person shall commit a contempt in the face of such court, or any other contempt towards such court, or the process thereof, it shall be lawful for the said court to pronounce such person contumacious and in contempt; and in all cases where her Majesty's Court of Arches shall have sentenced a party to imprisonment or pronounced him in contempt, the said court and its officers shall possess all the same powers of attachment and commitment as the High Court of Admiralty or its officers now possesses or possess in respect of persons guilty of offences cognizable by such court, or of contempt against it, or disobedience of the lawful orders of, such court, or the jurisdiction thereof.

50. That when any person shall have been duly cited to appear in her Majesty's Court of Arches, and shall have been ordered or required by the lawful order or decree of such court, final or interlocutory, to pay any costs or any other sum or sums of money, or to do any other act or thing, and when any such person, after having been thereupon monished, or being resident out of England, after having been personally served with a copy of such order or decree, shall refuse or neglect to comply with or perform any such monition, order or decree, or to pay the costs or the sum or sums of money by such monition, order or decree ordered to be paid by him, or to do the act or thing by such order or decree required to be done within the time and in the manner in such monition, order or decree mentioned or expressed, it shall be lawful for the judge of the said court to pronounce the person so neglecting or refusing, contumacious and in contempt, and if he shall think fit, within fourteen days after such person shall have been so pronounced contumacious and in contempt, in lieu of causing such person to be attached and imprisoned, to cause a copy of such monition, order or decree, under the seal of the court, to be exemplified and certified to the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal of England for the time being respectively, whenever the person so pronounced contumacious and in contempt shall be seized or possessed of or entitled to any real or personal estate, goods, chattels or effects, situate, lying or being in England, or to the Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal of Ireland for the time being respectively, whenever the person so pronounced contumacious and in contempt shall be seized or possessed of, or entitled to, any real or personal estate, goods, chattels, or effects, situate, lying, or being in Ireland; and the said Lord Chancellor, Lord Keeper or Lords Commissioners for the custody of the Great Seal of England or Ireland, as the case may be, shall forthwith cause such copy of such monition, order or decree, when it shall be presented to them respectively, so exemplified, to be enrolled in the Rolls of the High Court of Chancery in England or Ireland, as the case may be, and shall thereupon cause process of sequestration to issue against the real and personal estate, goods, chattels and effects in England or Ireland, as the case may be, of the party against whom such monition, order, or decree shall have been made, in order to enforce obedience to and performance of the same, in the same manner and form, and with the like power and effect, as if the cause wherein such monition, order or decree shall have been made, had been originally cognizable by and instituted in the said Court of Chancery in England or Ireland, as the case may be, and as if all and every the process of the said Court of Chancery in England or Ireland, as the case may be, ordinarily issuing in causes there pending, antecedent to process of sequestration, had been duly issued and returned in such Court of Chancery; and it shall and may be lawful for the said Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal in England or Ireland, as the case may be, to make such order or orders in respect of, or consequent upon, such sequestration, or in respect of the real or personal estate, goods, chattels or effects sequestrated by virtue thereof, as he or they shall from time to time think fit, or for payment of all or any of the monies levied or received by virtue thereof into the Bank of England or Ireland, as the case may be, with the privy of the accountant-general of the said Court of Chancery, in England or Ireland, as the case may be, to the credit and for the benefit of the party who shall have obtained such monition, order or decree, if the same was for



payment of costs or money, or if not, to the credit of the High Court of Chancery of England or Ireland, as the case may be; and the governor and company of the Bank of England or Ireland, as the case may be, are hereby authorized and required to receive and hold all such monies, subject to the orders of such courts of Chancery respectively: provided always, that no such monies shall be charged with or subject to poundage for any person whomsoever, or otherwise, when the same shall be paid out by order of either of the said courts.

51. That in any case when a party shall have been pronounced in contempt for non-appearance in her Majesty's Court of Arches, save in proceedings for offences cognizable in such court, the judge of such court, in lieu of issuing an attachment against or of certifying the contempt of such party, shall have power, according to the law and practice heretofore prevailing in Ecclesiastical Courts, to proceed, on pain of the contumacy of such person, to hear and determine the cause in which he shall have so neglected or refused to appear.

52. Court, on appearance or submission of party, to absolve and discharge.

53. That in case of any person being, at the time of the passing of this act, or at any time thereafter, in custody for contempt of Her Majesty's Court of Arches, or of any Ecclesiastical Court, in any matter as to which the contentious ecclesiastical jurisdiction is transferred by this act to the said Court of Arches, or in any cause which shall be transferred to the said court, the said Court of Arches may, upon the application of the prisoner, or of any other person in the cause or matter, notwithstanding the party shall not have appeared or obeyed, or submitted, make an order upon the sheriff, gaoler or officer in whose custody he shall be, for discharging such party out of custody, upon any such terms, and making, if the said court shall see fit, any costs, costs in the cause, as to the said court shall seem proper: provided always, that the order for such discharge shall not be deemed to have purged the original contempt, in case the conditions on which such order shall be made be not fulfilled.

54. That when any person in custody for a contempt might be discharged upon applying to the court, but shall omit to make such application, her Majesty's Court of Arches may, notwithstanding such omission, if, upon inquiry into and consideration of the circumstances of the case, it shall think fit, compulsorily discharge such person from the contempt, and make an order upon the sheriff, gaoler or other officer in whose custody he shall be, for discharging such person out of custody, and may also make an order upon him for the payment of the costs of the contempt, such order to be enforced by sequestration under the provisions hereinbefore contained, or make the costs, costs in the cause, as against him, or may discharge him from the contempt, but leave him in custody for the costs, which may be cleared if he be insolvent, under the provisions hereinafter contained in that behalf.

55. That the discharge of any prisoner adjudicated upon under the authority of an act, passed 7 Geo. 4, intituled, "An Act to consolidate and amend the Laws for the Relief of Insolvent Debtors in England," or of certain other acts which have since passed, or of any other act which may hereafter be passed for the relief of insolvent debtors, shall and may extend to all process issuing from any Ecclesiastical Court, or from her Majesty's said Court of Arches, for any contempt of such courts, for non-payment of money, or of costs, charges or expenses in any such court, and that in any such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay, in consequence or by reason of such contempt, or on purging the same; and that every discharge so adjudicated as aforesaid, as to any debt or damages of any creditor of such prisoner, shall be deemed to extend also to all costs incurred by such creditor, before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoner for the purpose of the recovery of the same; and that all persons as to whose demands for any such costs, money or expenses any such persons shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said acts or any future act, subject nevertheless to such ascertaining of the amount of the said demand as may be had by taxation or otherwise, and to such examination thereof as is in the said act or acts, or as shall be in any future act provided, in respect of all claim to a dividend of such insolvent's estate or effects.

56. That where the process of contempt is for non-perform-

ance of an act, and the insolvent has cleared his contempt except so far as regards the payment of the costs, or it has become in event unnecessary for him to do the act for the non-performance of which he was committed or attached, the judge of her Majesty's Court of Arches shall, upon the application of the party in contempt, discharge him from the same, except as to the costs thereof, for which he shall remain in custody and such costs shall be deemed within the provision last hereinbefore contained, and he shall be dischargeable therefrom, and from the process of contempt, in like manner as the process of contempt were for non-payment of money or costs: provided always, that this order or regulation shall not weaken any of the other powers by this act given, nor shall anything herein contained lessen the operation of the said act or acts for the relief of insolvent debtors.

57. Keepers of gaols to receive and keep persons committed and discharge them when orders complied with.

58. Schedule of persons in custody for contempt to be publicly read; judge may direct inquiry as to continued detention.

59. That every action or suit which shall be brought or commenced for anything done in pursuance of this act, shall be commenced within six calendar months next after the fact committed, and not afterwards, and shall be laid and tried in the county, city or place wherein the cause of action shall have arisen, and not elsewhere; and the defendant in such action or suit shall and may plead the general issue, and give this act as the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance of or by the authority of this act; and if the same shall appear to have been done, or if the action or suit shall be brought after the time limited for bringing the same, or shall be laid in any other county, city or place than as aforesaid, then the jury shall find for the defendant; and upon such verdict, or if the plaintiff shall be nonsuited, or suffer a discontinuance of his action or suit, after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff, the defendant shall have and receive such full and reasonable indemnity as to all costs, charges and expenses incurred in and about the defending such action or suit, as shall be taxed by the proper officer in the behalf, subject to be reviewed in like manner and by the same authority as any other taxation of costs by such officer.

60. That every person who, if this act had not been passed might have appealed and made suit to her Majesty in council against any proceeding, decree or sentence of any ecclesiastical court, under or by virtue of an act passed in a session of parliament, 2 & 3 Will. 4, intituled, "An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and maritime Causes, to her Majesty in Council," may in like manner appeal and make suit to her Majesty in council, against the proceedings, decrees and sentences of her Majesty's Court of Arches; and that all the provisions of the said last-mentioned act of parliament, relating to appeals and suits under the same, shall apply to all appeals and suits against the proceedings, decrees and sentences of the said Court of Arches; and such appeals and suits shall be proceeded in, in the manner and form provided by an act passed in a session of parliament held in the third and fourth years of the reign of her said late Majesty, intituled, "An Act for the better administration of Justice in his Majesty's Privy Council;" and all the provisions of the said acts relating to appeals and suits in cases ecclesiastical shall be applied to appeals and suits from the said Court of Arches, in suits instituted and proceedings and by virtue of the provisions of this act: Provided always, that in any such appeal the notes of evidence taken as hereinbefore provided, or under the direction of the judge of the said Court of Arches shall be certified by the said judge to her Majesty in council and shall be admitted to prove the oral evidence given in the said Court of Arches; and that no evidence shall be admitted on such appeal, to contradict the notes of evidence so taken and certified as aforesaid; but this proviso shall not enure to prevent the judicial committee of the Privy Council from directing witnesses to be examined and re-examined upon such facts as to the said committee shall seem fit, in the manner directed by the last-recited act: Provided also, that the said judicial committee, in all appeals from the said Court of Arches shall have and enjoy, in all respects, such and the same power of punishing contempts, and of compelling appearances, and discharging persons in custody for contempt, and that her Majesty in council shall in such appeals have and enjoy, in all respects, such and the same power of enforcing judgments, decrees and orders, and of punishing offences, as are given in



this act to her Majesty's Court of Arches, and that all such powers shall be exercised by her Majesty in council, or the judicial committee, as the case may be, in such and the same manner, and shall be of the same force and effect as in her Majesty's Court of Arches; and persons in custody for the contempt of the said judicial committee, in such appeals, shall have the same privileges and benefits, and shall be subject to the same provisions, as are hereinbefore enacted with respect to persons in custody for contempt of her Majesty's Court of Arches.

61. Statutes 3 & 4 Will. 4, c. 41; 4 & 5 Will. 4, c. 36; and 3 & 4 Vict. c. 113, cc. 65 & 66, applying to judge of the Prerogative Court and dean of the Arches Court of Canterbury to extend to judge of her Majesty's Court of Arches.

62. That save as is or may be otherwise directed, by or under the authority of this act, all wills which, if this act had not been passed, would have required probate, shall be proved in, and all administrations shall be granted by her Majesty's Court of Arches, or in or by one of the branch registries hereinafter mentioned, in the same manner and form as has heretofore been the practice of proving wills or granting administrations in the Prerogative Court of Canterbury; and such probates and administrations shall be granted to the same party or parties, and shall be of the same force and effect, and be binding on the same persons, and to the same extent, as if granted before the passing of this act, by any court or courts exercising ecclesiastical jurisdiction in England or Wales.

63. That any person applying for probate or administration shall, before the grant thereof, make affidavit of the time and place of the death of the testator or intestate, and also of the burial, if the same shall have taken place, or of the reason why he cannot depose to the time or place of such death or burial; and shall also in the said affidavit set forth the amount and nature of the estate and effects of the deceased, wheresoever situate in England or Wales, and such particulars relating thereto as may from time to time be required, by any rule or regulation of the said Court of Arches, made as hereinbefore directed.

64. That the several registries of the bishops' courts mentioned in schedule (C.) to this act annexed, shall by virtue of this act become and be branch registries of her Majesty's Court of Arches for the respective dioceses of such bishops, and probates of the wills and administration of the effects, wheresoever situate, of deceased persons whose personal estate shall be sworn under the value of 300*l.*, may issue from and under the seal of the branch registry for the diocese within which such persons shall have died; and with respect to such probates and administrations, the chancellor, surrogates, registrar, proctors, officers, clerks, and ministers of every court mentioned in the same schedule, and all persons who now are surrogates or proctors of any ecclesiastical court within any such diocese, shall become branch officers, proctors, clerks and ministers of her Majesty's Court of Arches in and for such diocese, and shall, in relation to the proving of such wills, and the issuing and extracting of such administrations in and from such branch registries, do all the several acts, matters and things appertaining to the offices and functions of surrogates, officers, proctors, clerks and ministers respectively, in proving wills, and issuing and extracting administrations in common form; and the registrar of every such branch registry shall carefully preserve all original wills and all administration bonds, and register and index all such wills and grants, according to the form and manner which may from time to time be in use in her Majesty's Court of Arches; and all other acts, matters and things done in proving such wills, and extracting and issuing such administrations, shall be done in such manner and according to such rules and regulations as the judge of her Majesty's Court of Arches shall from time to time direct or issue; and the said branch registrars, as well as the chancellors and surrogates, shall have authority to administer all requisite oaths incident to the grants of such probates and administrations as aforesaid, as fully as any surrogate of her Majesty's Court of Arches shall hereafter have: Provided, that nothing herein contained shall be construed to prevent any person, if he shall so think fit, from applying for any such probate or administration to the said Court of Arches in the first instance, and before any grant as to the same effects shall have issued from any branch registry, or to prevent the said Court of Arches, if it shall think fit, from thereupon granting such probate or administration, or shall extend to the grant of probate of the will or administration of the effects of any deceased per-

son, when a previous grant in relation to the effects of such person shall have issued from the said Court of Arches, or when there are proceedings pending in such court in relation to the effects, will or administration of such deceased person, or shall extend to the grant of probate of the will or administration of the effects of any person dying in London, Westminster, Middlesex, Hertford, Essex or Surrey, or in that part of Kent which is not comprised within the archdeaconry of Canterbury.

65. That every such branch registrar shall within twenty-eight days after any grant of probate or administration from his branch registry, transmit to her Majesty's Court of Arches a copy on parchment of the will of which probate shall have been granted, or of the act on the grant of administration, having first written and subscribed at the foot thereof a certificate that the same is a true, accurate and authentic copy; and such copy shall be carefully filed, preserved and indexed in the said Court of Arches.

66. That the registrar of her Majesty's Court of Arches shall quarterly make copies on parchment of all wills and codicils of persons dying elsewhere than in London, Westminster, Hertford, Essex or Surrey, or in that part of Kent which is not comprised in the archdeaconry of Canterbury, which shall have been proved in the said court during the next preceding quarter, and in which the effects of the deceased person shall have been sworn under the value of 300*l.*, and also a list on parchment of all such probates of the wills and administrations of the effects of such persons as aforesaid, as shall have issued from the said court during the next preceding quarter, specifying therein, as to each case respectively, the Christian and surname, description, and time and place of the death and burial of the deceased person, the sum under which the effects were sworn, the date of the probate or administration, and the name of the party to whom the grant shall have been made; and shall, with all practicable despatch, transmit such copies and list to the branch registrar of the diocese within which such deceased person shall have died, and such last-mentioned registrar is hereby required save to file, preserve and index the same.

67. That the said branch registrar shall, on payment of a proper fee, directed and settled as hereinafter mentioned, permit searches to be made by, and deliver copies or extracts from, the documents so as aforesaid retained by or deposited with him, to any person who shall apply for the same.

68. Judge of Arches to make rules for conducting business in branch registries, and to settle amount of fees on probates, administrations, searches, copies and extracts.

69. Caveats, citations, decrees, monitions, inventories, and accounts in branch registries.

70. If effects exceed 300*l.*, grant to be re-sealed in Court of Arches.

71. Branch registrars, surrogates and proctors, may be proceeded against for concealing the amount of effects liable to duty, or for extortion or other misconduct.

72. That the registrar of the High Court of Admiralty and Appeals, and the judges, registrars, and other officers of the several courts (save and except of the courts mentioned in the said Schedule (C.)) by which probates or administrations have heretofore been granted, or by which any contentious ecclesiastical jurisdiction has heretofore been exercised, and all persons having the custody of the documents and papers belonging to any such courts, shall, on being from time to time served with a monition to that purpose, and at the times and in the manner thereby directed, transmit to the registrar of her Majesty's Court of Arches such of the original wills, administration bonds, notes of administration, court books, and calendars, and other documents and papers relating to probates and administrations, and to the contentious ecclesiastical jurisdiction transferred by this act to her Majesty's court of Arches, which are now deposited in the said courts respectively, as the said Court of Arches shall direct; and the same having been sent to and received by such registrar, shall be preserved in the registry of the said court: provided always, that nothing hereinbefore contained shall be construed to require the registrar of the High Court of Admiralty and Appeals to transmit to the registrar of the said Court of Arches any process or other court paper on appeals to her Majesty in Chancery or in council.

73. That all probates and administrations granted before the first day of January in the present year, which may be void or voidable, by reason that the courts from which the same respectively were obtained, had not jurisdiction to grant such probates or administrations, shall be and be deemed, for all



purposes whatever, to have been and to be as valid as if the same had been obtained from the courts entitled to grant such probates or administrations, and no further or otherwise.

74. That any void or voidable probate or administration shall not be made valid by this act, where another probate of the same will or administration, or the same personal estate, shall subsequently, but before the passing of this act, have been granted out of the proper court, nor where such probate or administration shall before the passing of this act have been revoked or determined by any court of competent jurisdiction to have been void, nor so far as the same respects any personal estate which, at the time of the passing of this act, shall be in possession of any person who would not be entitled thereto if such probate or administration were valid; and this act shall not in any way prejudice nor affect any proceedings pending at the passing thereof, in which the validity of any such probate or administration shall be in question between the person claiming under the same and the party claiming adversely thereto; and such probate or administration, if the result of such proceedings be to invalidate the same, shall not be rendered valid by this act; and if such proceedings shall abate, or become defective, by reason of the death of any party, any person who if this act had not been passed would have any right by reason of the invalidity of such probate or administration, shall retain such right, so as he commence proceedings for enforcing the same within six calendar months after the death of such party.

75. That where in consequence of a person having died possessed of personal estate within the jurisdiction of different courts in England or Wales entitled to grant probate, probate or administration ought to have been obtained in more than one court, and any one probate or administration, purporting to be a general grant, and actually covering the whole amount of the effects of the deceased, wheresoever situate in England or Wales, and valid with respect to the personal estate within the jurisdiction of the court out of which the same shall have been granted, or which shall be made valid by this act, shall have been obtained on or before the first day of January, one thousand eight hundred and forty-three, then and in every such case such probate or administration shall be and shall be deemed to have been valid with respect to the personal estate within the jurisdiction of any court in England or Wales.

76. Administration bonds to be for the future taken in the name of the Dean of the Arches.

77. Separate bonds with two sureties may be taken.

78. Where additional effects discovered, further security may be taken; a new administration not required.

79. Court of Arches and branch courts to have power to direct inventories and accounts to be made and exhibited.

80. Inventory and account may be impeached in the Court of Arches by party interested.

81. Judge of Court of Arches may declare bond forfeited, and enforce payment.

82. That where several bonds shall have been given as aforesaid for different portions of the personal estate of any deceased person, and any one of such bonds shall be put in suit against the sureties therein named, and such sureties shall, within twenty-one days after being so sued, give a notice in writing of such suit to the persons, or to the personal representatives of the persons, who shall be sureties for a different portion or different portions of the value of the same estate, then in case the sureties so sued shall be adjudged to pay the whole or any part of the money mentioned in the bond whereby they are bound, it shall be lawful for them to demand and have, by way of contribution, from the sureties to whom such notice shall have been given as aforesaid, such a proportion of the sum which the sureties so sued have been compelled to pay, as the amount of the proportion of the value for which the sureties from whom such contribution is demanded bears to the full value of the estate of such deceased person; and it shall be lawful for the judge of her Majesty's Court of Arches to enforce the payment of such contribution.

83. And whereas it is expedient to abolish the jurisdiction of ecclesiastical courts in matters of tithe, and to repeal the statutes, or such parts of the statutes as give such jurisdiction to the said courts, and to transfer the jurisdiction in all such matters to the Queen's superior courts at Westminster; be it therefore enacted, that so much of a statute 13 Edw. 1, intituled "Circumspecte Agatis," as relates to spiritual persons suing for tithes, mortuaries and pensions in the Spiritual Court; and so much of a statute, 9 Edw. 1, intituled "Articuli Cleri," as relates to the powers of spiritual courts and judges in mat-

ters of tithes, obventions, oblations and mortuaries, and to depriving parties of the King's writ of prohibition in such matters; and so much of a statute, 18 Edw., intituled, "A Statute of the Clergy," as relates to the enactment that no writ of scire facias shall be awarded against spiritual persons for tithes; and so much of a statute 1 Rich. 2 as relates to judges of holy church having cognizance of suits for tithes in the spiritual courts; and so much of another statute made in the same year of the same reign as relates to any person of the holy church being drawn in plea in the secular court for his own tithes, taken as therein mentioned; and so much of a statute, 27 Hen. 8, intituled, "For Tithes to be paid throughout this Realm," as relates to any ecclesiastical court, judge or officer having jurisdiction or authority in any suit or proceeding for subtraction of tithes, offerings and other duties, and to attachments for enforcing obedience to the process of such court; and so much of a statute, 32 Hen. 8, intituled, "For the true Payment of Tithes and Offerings," as relates to any spiritual court, judge or officer having jurisdiction or authority in any suit or proceeding relating to tithes and offerings; and so much of a statute made in the session of Parliament 2 & 3 Edw. 6, intituled, "An Act for Payment of Tithes," as relates to any ecclesiastical court, judge or officer having jurisdiction or authority in any suit or proceeding relating to any manner of tithes, obventions, profits, emoluments, commodities or other duties; and all acts continuing or perpetuating any of the said enactments or parts of acts hereinbefore referred to, so far as relates to the continuing or perpetuating the same respectively; and all canons and constitutions ecclesiastical, so far as the same or any of them give jurisdiction to any spiritual court, in matters of tithe, shall be repealed, except so far as relates to any suits or proceedings pending at the time when this act comes into operation in any ecclesiastical court in respect of any such matters.

84. That nothing in this act contained shall prevent two or more of her Majesty's justices of the peace from hearing and determining all complaints touching tithes, oblations and compositions subtracted or withheld, in the same manner and to the same extent as two or more justices were entitled by any law or statutes to hear and determine such complaints before the passing of this act.

85. That this act shall not extend to any tithes, offerings, oblations, mortuaries, payments or obventions, within the city of London, or the liberties thereof, nor within any other city, or town or place, where the same are settled by an act of Parliament in that case particularly made and provided.

86. Repeal of 5 & 6 Edw. 6.

87. That the original contentious ecclesiastical jurisdiction for the punishment of simony, schism, heresy, blasphemy, perjury, incest, adultery, fornication, drunkenness, or other evil living, or of smiting or laying violent hands on any other in any church or churchyard, or of maliciously striking any person with or drawing any weapon in any church or churchyard to the intent to strike another with the same, or of non-attendance or other misconduct or default at visitations by churchwardens or other like officers, or in respect of defamation, shall not be transferred to her Majesty's Court of Arches; and it shall not be lawful for the said court to take cognizance of any suit or proceeding not pending at the passing of this act, for the punishment of any such offences: provided always that anything hereinbefore to the contrary notwithstanding, it shall be lawful for the said Court of Arches, and it is hereby empowered, to proceed, at the suit of any person whosoever to decree and enforce the separation of parties within the prohibited degrees of consanguinity or affinity, living and cohabiting together without lawful and valid marriage.

88. Sequestrators of ecclesiastical profits to enter into bond with sureties; no registrar, his partner or clerk, to be appointed.

89. Sequestrator empowered to sue &c. in his own name.

90. Where the amount is under 10*l.*, or from a Quaker 50*l.* sequestrator to have the same remedies as other parties.

91. Where the incumbent serves the cure during the sequestration, the bishop may make him an allowance: if not, shall appoint and assign stipend to curate.

92. Bishop may remove sequestrator or curate.

93. That out of the profits of any such benefice which shall be received by any sequestrator, such sequestrator shall, in the first place, pay the necessary expenses of serving the cure (that is to say) he shall pay all arrears due to the curate or curates serving the benefice at the time of such sequestration.

not exceeding one year's stipend, and all arrears of the allowance to be made as aforesaid to the spiritual persons continuing to serve the cure of such benefice, or of the stipend or stipends which shall be due as aforesaid to the curate or curates appointed after such sequestration to serve such cure; and shall, in the next place, pay the penalties proceeded for, if any, and such reasonable expenses as shall have been incurred in relation to any monition issued under the provisions of the last-recited act, to compel the return to residence of the spiritual person holding any such benefice, and in relation to such sequestration, including therein the remuneration which such sequestrator shall be entitled as aforesaid to retain for his own use; and shall, in the next place, pay and discharge and expend all sums of money due, or which may be required, for the repair or sustentation of the chancel or of the house of residence of such benefice or of any of the buildings and appurtenances thereof, and of the glebe and demesne lands, and lands allotted in lieu of tithes; and in the next place, if such sequestration be at the suit of a creditor, he shall apply such profits towards the satisfaction of such sequestration, and if not, then in such manner and order as may be directed under and by virtue of the provisions of the said last-recited act.

94. Sequestrator to render account into registry of diocese half-yearly.

95. Sequestrator's accounts may be impeached in the Court of Arches.

96. Copy of sequestrator's account to be transmitted to Court of Arches.

97. Writs of sequestration to be returned into the Bishop's Registry, and filed.

98. No second writ of sequestration to be issued till the first is returned. Priority of writs.

99. That all suits, whether original or by way of appeal, which shall, at the time when this act comes into operation, be depending in any ecclesiastical court in England or Wales, save and except causes depending before her Majesty in council, and save and except causes for the correction of clerks, instituted under the provisions of the said act for better enforcing church discipline, shall, as to all matters the cognizance whereof is transferred by this act to her Majesty's Court of Arches, and as to matters of tithe, and as to offences against the said recited act, against fighting and quarrelling in churches and churchyards, and as to defamation, be transferred, with all proceedings thereon, to her Majesty's Court of Arches, and as to all other matters to the Court of the Vicar-General of the Archbishop of the province, if the suit is pending in any archiepiscopal court, and to the court of the Bishop of the diocese, if the matter is pending in any court not being archiepiscopal nor mentioned in schedule (C.); and if the suit as to such last-mentioned matters be depending in any court mentioned in schedule (B.) or (C.), the same shall be proceeded with in such court; and every such suit shall be dealt with and decided according to the practice of the court to which it shall be transferred, or in which it shall be proceeded with, and such court shall, for the purposes of such suit, be deemed and taken to have all the power and jurisdiction, to all intents and purposes, possessed by the court in which such suit was pending, save that the sentences and decrees of the said Court of Arches shall be pronounced and enforced in the way hereinbefore directed, with regard to causes cognizable therein.

100. That nothing in this act contained shall extend to take away, abridge or affect the episcopal jurisdiction, according to the statutes, laws, usages, canons and constitutions ecclesiastical now in force within this realm, in matters of ordering the clergy, or of church discipline and correction of clerks, save as is hereinafter provided; and that save and except as to any offence committed by smiting or laying violent hands on any other in any church or churchyard, or by maliciously striking any person with or drawing any weapon in any church or churchyard, to the intent to strike another with the same, and save and except as to defamation, and as to any offence punishable in her Majesty's Court of Arches, nothing herein contained shall be construed to affect the authority belonging to the spiritual character and office of the Archbishops and Bishops of this realm, respectively, of citing persons before them or their vicars-general, chancellors or commissaries specially appointed for that purpose, for spiritual offences hitherto cognizable by any such archbishop or bishop, and of proceeding in such sort, and no other, as they might have done before the making of this act, to pronounce upon such persons spiritual censures for such offences: provided always, that save in pro-

ceedings under the said recited act for the better enforcing of church discipline, or under the provisions hereinafter contained as to appeals and suits to be heard before the archbishop of the province or his commissioners, and in suits specially directed to be heard before the Chancellor of the Diocese, and in suits against spiritual persons for illegally trading, no person shall incur or be liable to any civil penalty, incapacity, imprisonment, fine or other civil punishment, by reason of any such offences, or by reason of any such spiritual censures, or by reason of non-appearance when cited before any archbishop, bishop, vicar-general, chancellor or commissary, to answer for any such offences, or by reason of disobedience of any sentence pronounced in any such proceedings, save so far as relates to the payment of costs, or by reason of any default in not repairing to any church or chapel, or public place of religious worship, any law or statute to the contrary notwithstanding: provided also, that if any person duly cited to answer for any such offence shall refuse or neglect to appear, or having appeared shall refuse or neglect to plead, the said archbishop, bishop, vicar-general, chancellor or commissary, shall have power to proceed on pain of the contumacy of such person to hear, determine and pronounce sentence in the suit: provided also, that the payment of the costs in which any such party may have been duly and legally condemned, shall, when taxed, be enforced in like manner as the payment of costs of proceedings in ecclesiastical courts has hitherto been enforced: provided also, that any party who may think himself aggrieved by any judgment or sentence pronounced against him, shall have the same appeal from such judgment or sentence, and none other, as is hereinafter provided in causes of correction of clerks.

101. That nothing herein contained shall be construed to prevent archbishops, bishops or archdeacons from holding their usual and accustomed visitations, or from visiting, from time to time, the several parishes, chapelries or other places, within their respective provinces, dioceses or archdeaconries, and the churches, chapels, glebe-houses and other ecclesiastical possessions therein, or of issuing and giving, as heretofore, all necessary notices, citations, monitions and directions, on the occasions or in the matters aforesaid; or to prevent rural deans and other like officers from exercising their accustomed functions or authority as heretofore in such matters or any of them.

102. That all inhibitions, sequestrations, licenses, dispensations, compositions, faculties, grants, rescripts, delegacies, and other instruments which shall hereafter be decreed, granted, issued or given by any archbishop, bishop or archdeacon, shall be of the same force and effect as if this act had not been passed; and all other rights, privileges, powers, jurisdiction and authorities heretofore possessed, used and exercised by any such archbishop, bishop or archdeacon respectively, and not specially taken away, abridged or altered by this act, nor inconsistent with the provisions thereof, shall continue to be possessed, used and exercised by him in as full a manner as if this act had not been passed.

103. And whereas in certain cases, by reason of the application for or grant of any inhibition, sequestration, license, dispensation, composition, faculty, grant, rescript, delegacy or other instrument as aforesaid, or by reason of the erection of a monument, tombstone, obstruction or ornament in any church or churchyard, or of any perturbation of seat, a suit might heretofore have been instituted and maintained in any ecclesiastical court, and may from and after the passing of this act be instituted or maintained in her Majesty's Court of Arches, by virtue of the provisions hereinbefore contained for transferring the contentious ecclesiastical jurisdiction to the said court: and whereas it is expedient that provision should be made, whereby, under certain circumstances, such cases may be heard and determined summarily and without appeal; be it therefore enacted, that when any dispute shall hereafter arise in any such case, the bishop of the diocese, after reasonable notice to all persons having a right to become parties to or intervene in any such suit, may, either before or after the institution of a suit in her Majesty's Court of Arches, refer the matter in dispute to the decision of his chancellor, to a serjeant-at-law, or to an advocate of the said Court of Arches of five years' standing at the least, or to a barrister of seven years' standing at the least, as to the said bishop may seem fit, unless some party, by or on whose behalf an appearance shall have been given in the court of the said bishop, or in the Court of Arches, shall, within ten days after such notice as aforesaid, lodge in the registry of the said bishop a declaration in writing, under his hand, or under the hand of his proctor or other duly authorized agent, that he

objects to such reference, and shall also within five days after lodging such declaration in the registry of the said bishop become bound with one or more able surety to the said bishop to appear and contest the said matter in the said Court of Arches, and to pay such costs, if any, and to such persons as the judge of the said Court of Arches shall direct, to the amount of 100*l.*; and in case of such reference, such chancellor, serjeant, advocate or barrister is hereby empowered and required to hear and determine summarily such matter on affidavit, or on examination of witnesses on oath, as to such chancellor, serjeant, advocate or barrister shall seem fit; and such chancellor, serjeant, advocate or barrister shall in all such cases, for the purpose of administering oaths and affirmations, and taking affidavits and declarations, possess and exercise the same power and authority as a justice of the peace possesses and exercises in summary proceedings; and witnesses shall be subpoenaed by the registrar of the Court of Arches, and their attendance before such chancellor, serjeant, advocate or barrister shall be enforced by the said Court of Arches, as in suits pending in the said court; and the decision of such chancellor, serjeant, advocate or barrister shall, when signed by him, be final and conclusive to all intents and purposes whatsoever, and, when filed in the said Court of Arches, shall, if necessary, be enforced by the said court, as if the same were a sentence or decree of such court: provided always, that upon any such reference being made, and certified under the hand of the bishop to the registrar of the said Court of Arches, all proceedings in the said Court of Arches shall cease and determine: provided also, that no cause or suit for the correction of clerks under the provisions of the said act for better enforcing church discipline, nor any suit under the provisions hereinafter contained as to appeals and suits to be heard before the archbishop of the province, or his commissioners, nor suits specially directed by this act to be heard before the chancellors of the several dioceses, nor suits against spiritual persons for illegally trading, shall be transferred to the Court of Arches, or referred as aforesaid, and that no testamentary or matrimonial cause shall be referred as aforesaid.

104. And whereas in the said recited act for better enforcing church discipline a power is reserved to all persons of instituting as voluntary promoters, and of prosecuting, in such form and manner, and in such courts, as they might have done before the passing of the said act, any suit, which though in form criminal shall have the effect of asserting, ascertaining or establishing a civil right; be it enacted, that any suit which any person, under the said power, might have instituted and prosecuted in any ecclesiastical court, may be instituted and prosecuted in her Majesty's Court of Arches, and in no other court whatsoever, and the said suit shall be proceeded in according to the form and manner, and sentences therein shall be pronounced and enforced as hereinbefore provided with respect to offences within the cognizance of the said Court of Arches.

105. Spiritual persons illegally trading, to be proceeded against under Church Discipline Act, instead of before the chancellor of the diocese.

106. Recovery of certain forfeitures, penalties, fees, and costs.

107. That the person who shall henceforth be, exercise the functions of, and be styled the vicar-general of the archbishop of the province, shall also be official principal of such archbishop and of his court, and shall have and exercise, in and throughout the province, such of the functions and jurisdiction of such official principal as have not been hereinbefore transferred elsewhere, or expressly abolished, and that the court of such vicar-general shall be and shall be deemed to be the court of the province, and the court of the archbishop of the province, and the court of appeal of the province, and the vicar-general shall be and be deemed to be the judge of such court, and such vicar-general shall have, possess and exercise all the powers and authorities which have heretofore been had, possessed and exercised by the judge of any court of the province, or of any court of the archbishop of the province, or of the court of appeal of the province, and which are not taken away, abridged or altered by this act, nor are inconsistent with the provisions thereof; and such court shall proceed according to the law and practice heretofore observed in the court of appeal of the province, and from such court the same appeal, and none other, shall lie as heretofore from the court of appeal of the province; and the vicar-general of the province of York shall also be and exercise the functions of vicar-general of the archbishop of York, as bishop of the diocese of York; and that the person who shall henceforth be and exercise the functions of

vicar-general of the bishop of each diocese shall also be official principal of the bishop of such diocese, and official of the several archdeacons thereof, and have and exercise, in and throughout the diocese, such of the functions and jurisdiction of such official principal and official respectively as have not been hereinbefore transferred elsewhere, or expressly abolished, and shall be the judge of the Consistory Court of the diocese, and shall be styled the Chancellor of the diocese; and that the registry, registrar, officers, clerks, and ministers of the vicar-general of the archbishop of each province shall henceforth be the registry, registrar, officers, clerks, and ministers of the province, and of the archbishop of the province, in and throughout his province, and of his vicar-general, and of the Court of Appeal of the province; and the registry, registrar, officers, clerks, and ministers of the province of York shall also henceforth be the registry, registrar, officers, clerks, and ministers of the Consistory Court of the diocese of York; and the registry, registrars, officers, clerks, and ministers of each of the several Consistory Courts mentioned in Schedule (C.) shall henceforth be the registry, registrar, officers, clerks, and ministers of the diocese, and of the court of the diocese, and of the bishop of the diocese in and throughout his diocese, and of the chancellor of the diocese, and of the several archdeacons of such diocese, and of the officials of such archdeacons.

108. That all such ecclesiastical jurisdiction heretofore exercised by any ecclesiastical court abolished by this act, as is not by this act transferred elsewhere or expressly abolished, shall be transferred to and exercised by the court of the vicar-general of the archbishop of each province, so far as the same relates to archiepiscopal jurisdiction within such province, and to and by the court of the bishop of each diocese, so far as the same relates to episcopal, archidiaconal or other ecclesiastical jurisdiction, not being archiepiscopal, within such diocese, in as full a manner as it could heretofore have been exercised by the courts so abolished as aforesaid, and that all laws, customs, statutes, canons or constitutions ecclesiastical, now in force with respect to any ecclesiastical courts heretofore existing, or to the judges, registrars, officers, clerks, ministers, or registries of such courts shall, save in so far as the same may be contrary to or inconsistent with the provisions of this act, extend and be applied to the vicar-general of each province and the chancellor of each diocese, and the registrars, officers, clerks, ministers, and registries of each province and diocese respectively, as the case may be; and such vicars-general, chancellors, registrars, officers, clerks and ministers shall, save as aforesaid, have, exercise, enjoy, perform and do all the rights, powers, authorities, privileges, duties, acts, matters and things which the vicars-general and officials principal of the two provinces, and the chancellors, vicars-general and officials principal of any diocese, and the officials of any archdeaconry, or other judges, registrars, officers, clerks and ministers of any archiepiscopal, diocesan, commissary, archidiaconal or other courts, exercising ecclesiastical jurisdiction within such provinces, dioceses or archdeaconries respectively, have heretofore, in matters ecclesiastical, legally exercised, enjoyed, performed and done within the jurisdiction of such persons or courts respectively; and unless otherwise expressly or impliedly directed by this act, all instruments which have heretofore issued under the seal of the court of the vicar-general, or official principal of either province or of any diocese, or of the official of any archdeaconry, or of any judge exercising ecclesiastical jurisdiction within either province, or any diocese, by whatever title or name such judge may be or may have been called or known, or which have heretofore issued from, been returnable into, been registered, filed or deposited in, or been served by the registrar, officers, clerks and ministers of any provincial, archiepiscopal, diocesan, consistorial, archidiaconal, or other registry of an ecclesiastical nature within either province, or any diocese, by whatsoever name the same may be or may have been called or known, shall, as to any matters ecclesiastical, henceforth issue in the name of the archbishop of the province, or bishop of the diocese, or archdeacon of the archdeaconry, as the case may be, and under the seal of the court of the vicar-general of the province, or the chancellor of the diocese, as the case may be, and all matters and things relating thereto shall be transacted and done by such vicar-general, chancellor, registrar, officer and ministers respectively, in the same manner as they have heretofore been transacted and done by any such vicar-general, or official principal of the province, or by any such chancellor, vicar-general or official principal of the diocese, or by any such official of any archdeaconry, or by any

such judge, registrar, officer, clerk or ministers respectively; and that all documents relating to ecclesiastical matters, not being original wills, testaments, codicils, or testamentary papers, nor administration bonds, nor notes of administration, nor court books, nor calendars, nor other documents and papers relating to the probate of wills and administrations, nor to the contentious ecclesiastical jurisdiction transferred by this act to her Majesty's Court of Arches, which are now, or would, if this act had not been passed, hereafter be, under any law or statute in force at the passing of this act, deposited in the custody of the registrar of either province, or of any diocese, or of any registrar within either province, or any diocese, shall, unless otherwise expressly or impliedly directed by this act, be deposited in the custody of the registrar of the archbishop of the province, or bishop of the diocese, as the case may be.

109. Places of religious worship not to be certified to, or registered in bishop's registry.

110. That no person shall hereafter be appointed the master of the faculties of the Archbishop of Canterbury, or vicar-general of the archbishop of either province, except he be of the full age of thirty years at the least, and a doctor of civil law, or the chancellor of any diocese, except he be of the full age of twenty-six years at the least, and is at the least a master of arts or a bachelor of civil law, nor shall any person be appointed to either of the said offices, unless he be learned in the civil and ecclesiastical laws, and reasonably well practised in the course thereof; and that every person hereafter appointed to either of such offices shall hold his office during good behaviour, notwithstanding any avoidance of the see, subject nevertheless to be removed in such manner as the judges of her Majesty's Superior Courts at Westminster are removed.

111. That no person shall hereafter be appointed the registrar of the Court of Faculties, or of the vicar-general of the Archbishop of Canterbury, unless he shall be an advocate or proctor of her Majesty's Court of Arches of five years' standing at the least, and that nothing in this act contained shall extend to take away or in any manner to abridge the power or authority heretofore exercised by the master of the faculties of the Archbishop of Canterbury, or the jurisdiction of the Court of Faculties.

112. That no person shall hereafter be appointed the registrar of the vicar-general of the Archbishop of York, or of any court mentioned in Schedule (C.) to this act annexed, unless he shall be an advocate of her Majesty's Court of Arches, or a barrister of five years' standing, or a proctor admitted and having practised as such in her Majesty's Court of Arches, or in some ecclesiastical court in England or Wales, for five years; and that no person shall hereafter be admitted a proctor in any of the said courts, unless he shall have served under articles for seven years to a proctor duly admitted and practising as such in her Majesty's Court of Arches, or in some ecclesiastical court in England or Wales: provided always, that if at the expiration of six months after this act comes into operation, the number of proctors admitted and practising in any diocese shall be less than four, exclusive of the registrar of such diocese, or if at any time afterwards the numbers exclusive of such registrar shall be reduced below four, and shall remain so for six months, the dean of the Arches, with the consent of her Majesty in council, may admit any person or persons duly qualified as aforesaid, to be a branch proctor of her Majesty's Court of Arches, within such diocese, and entitled as such to prove wills and extract administrations from the branch registry of the said court for such diocese, subject to the limitations hereinafter contained: provided, that the said dean of the Arches shall not, by any such admission, make the whole number of persons entitled to prove wills and extract administrations within any one diocese exceed the number of four, exclusive of the registrar of the diocese: provided also, that nothing hereinafter contained shall be construed to restrain the right of any person heretofore having authority to admit proctors in the said vicar-general's court, or in any court mentioned in the said schedule (C.) from admitting any number of persons duly qualified as aforesaid, to be proctors of such court, and as such, by virtue of this act, branch proctors of the Court of Arches for the diocese in which such court is situate: provided also, that if at any time it shall be made to appear to the judge of any of the said courts, that there is not a sufficient number of persons duly qualified as aforesaid, admitted or ready and willing to be admitted proctors of such court, for the due conve-

nience and accommodation of the diocese, it shall be lawful for such judge, upon being satisfied as well of the fitness of the person as of the expediency of the appointment, to admit as a proctor of such court any person who shall have been five years an attorney in one of the Superior Courts at Westminster.

113. That notwithstanding anything hereinbefore contained, the person who, on the 31st December, 1842, was the principal acting registrar of each of the several courts mentioned in the said Schedules (B.) and (C.), shall, by virtue of this act, become the registrar of each such court respectively, whether such person was on that day the principal or deputy registrar thereof.

114. Registrars to hold office during good behaviour, subject to removal for reasonable cause.

115. Judges, registrars, &c., to execute duties in person and not by deputy. No grants in reversion. Surrogates not to pronounce definitive sentences, &c.

116. In case of illness of judges, registrars, or officers, substitutes may be appointed for a limited time.

117. That to the judges and registrars of the several courts mentioned in Schedules (B.) and (C.) aforesaid, there shall in lieu of all fees be paid out of the fee-fund and in the manner hereinafter mentioned, the several salaries set forth in the said schedules: provided always, that until a separate diocese of Manchester be erected, there shall not be any consistory court or branch registry of Her Majesty's Court of Arches at Manchester, and the district to be comprised within and to form the diocese of Manchester shall continue part and parcel of the diocese of Chester, and shall be subject in all respects to the ordinary visitation and jurisdiction of the Bishop of Chester, anything in this act notwithstanding: provided also, that until the time aforesaid, the registry at Lancaster shall become and be the branch registry of Her Majesty's Court of Arches for a district consisting of so much of the county of Lancaster as is intended to be comprised within the diocese of Manchester; and the said registry shall until the time aforesaid be deemed and taken to be a branch registry of Her Majesty's Court of Arches for the district aforesaid, in all respects as if the said registry were the registry of a Bishop's Court at Lancaster, and included as such in the said Schedule (C.), and as if the said district were a diocese, and the judges and surrogates of the Consistorial Court at Chester shall be branch officers of the Court of Arches for such district and registry; and the salaries assigned in the same schedule to the judge and registrar of the Consistory Court at Manchester respectively shall until the time aforesaid be paid to the judge of the Consistory Court at Chester, and to the registrar of the said registry at Lancaster respectively.

118. That, save and except to the examiners and surrogates, and the officers and judge's clerk, enumerated in Schedules (A.), (B.), and (C.) aforesaid, there shall be paid out of the fee-fund hereinafter mentioned to the officers, additional officers, clerks, and ministers of the said Court of Arches, and of every court mentioned in the said Schedules (B.) and (C.), and to the persons from time to time employed to execute the process of Her Majesty's Court of Arches, such salaries or such allowances, or such salaries and allowances per folio or otherwise, and to the apparitors, in addition to their salaries, and to the persons employed to execute the process of Her Majesty's Court of Arches, in addition to their allowances, such travelling and other expenses necessarily incurred in the execution of their duty, as the judge of the court, with the consent of the Commissioners of Her Majesty's Treasury of the united kingdom of Great Britain and Ireland, shall fix, order, and direct; and all allowances shall be payable and paid in such manner and at such times, and subject to such conditions, as the said Commissioners of Her Majesty's Treasury shall order and direct; all such orders and directions to be approved of by Her Majesty in council.

119. Until salaries are paid certain allowances to be made to officers.

120. That all the several salaries and annuities in this act mentioned shall be paid free and clear of all fees, charges, and taxes whatsoever, except the property tax, by four equal quarterly payments, on the —, on the —, on the —, and on the — in every year, the said respective salaries of the persons first appointed by or by virtue of this act to commence from the time of their respective appointments, so that a rateable proportion of a quarter's salary, according to the time

elapsed between such appointment and the next succeeding quarter day, shall be paid and payable on such quarter day; and in case of vacancy in the office of any person receiving a salary under this act, the person making the vacancy, his executors or administrators, shall be entitled to a proportional part of his quarterly salary, according to the time elapsed between the next preceding quarter day and such vacancy; and that the salary of every judge of the said Court of Arches, or of any court mentioned in the said Schedules (B.) and (C.), after the first, to be appointed by virtue of this act, shall commence from the death, resignation, or removal of his predecessor, and a like rateable proportion of a quarter's salary shall be paid and payable to such judge, according to the time elapsed between such death, resignation, or removal, and the next succeeding quarter day.

121. No officer to be entitled to fees for his benefit.

122. Account of fees and emoluments to be rendered yearly to the Commissioners of Treasury.

123. If Commissioners of Treasury are dissatisfied with account, they may refer it to the judge to inquire into the same.

124. Fees to be paid over to the registrar of Court of Arches, who is to pay over the same to the "fee-fund." Application of such fund.

125. Registrars to report on state of offices to judge, who, with consent of Lords Commissioners of Treasury, may order surveys, purchases, works, &c.

126. And whereas it is expedient that compensation should be made to certain persons whose offices may be abolished or affected by this act; be it therefore enacted, that all persons whose offices shall be abolished or affected by this act, shall render to the Commissioners of her Majesty's Treasury, and to the Judge of the Court of Arches, an account in writing of all fees and emoluments which have been annually received in respect of such offices respectively during the ten years next preceding the passing of this act; and the said Commissioners of her Majesty's Treasury and Judge, or some person or persons appointed for that purpose by the said Commissioners of her Majesty's Treasury and Judge, shall examine and investigate the legality, nature, and amount of such fees and emoluments upon oath or affidavit, which oath the said Commissioners of her Majesty's Treasury and Judge, or either of them, or their appointee, or any surrogate or commissioner of the said judge is or are hereby empowered to administer; and such Commissioners of her Majesty's Treasury and Judge shall determine and award the amount of compensation upon the average yearly receipts of legal fees during the said period of ten years; and such compensation as shall be awarded to such persons respectively shall be payable and issued and paid out of and charged and chargeable upon the said fund to such persons, free and clear of all taxes and deductions whatsoever, except the property tax, in such sums of money, and at such times, and by way of annuity or otherwise, as shall be determined by the said Commissioners of her Majesty's Treasury and Judge; [and in the meantime, and until such compensation shall be awarded and determined in manner aforesaid, it shall be lawful for the Commissioners of her Majesty's Treasury to issue their warrants for the payment to such persons out of the consolidated fund of the united kingdom of Great Britain and Ireland, next in order of payment to and after paying or reserving sufficient to pay all sums which have been directed to be paid out of the same by any former act of Parliament of such half-yearly or quarterly allowance as to the said Commissioners of her Majesty's Treasury, or any three of them, shall seem reasonable, both as to the amount and times of payment, on account of such compensation as may thereafter be awarded to the said persons respectively]: provided always, that in ascertaining and determining the amount of such compensation, due regard shall be had to the nature and extent of the duties from which the holders of such offices will be relieved by the alteration or abolition thereof, and to the expenses, disbursements, allowances, and charges incident to or affecting such offices, or any of them, as well in providing and maintaining a proper registry as otherwise, and to the offices, salaries, or allowances which such persons may have been appointed to or hold or receive under or by virtue of this act: provided also, that at the time of awarding compensation to the registrar of any abolished court, the said Commissioners of her Majesty's Treasury and Judge shall make due provision that such registrar shall keep custody of and carefully preserve the wills and other documents in such registry, until he shall be required

under the provisions of this act to transmit the same elsewhere; and the said Commissioners of her Majesty's Treasury and Judge shall also at the time of awarding compensation to the principal registrars of the Prerogative Court of Canterbury, and to the principal registrars of the several courts mentioned in the said Schedules (B.) and (C.), make due provision that the buildings heretofore used as the registries of such several courts respectively shall, if required, be available for the purposes of a registry and branch registries of her Majesty's Court of Arches, and as registries of the several courts mentioned in the same schedules.

127. That if the grantee of any annuity by way of compensation shall thereafter be appointed to any office of profit under her Majesty, or in her Majesty's Court of Arches, or in any Ecclesiastical Court, he shall be entitled, while he shall hold such office, to receive so much only of the said annuity as together with the salary and profits of such office, shall not in the whole exceed the average yearly receipts on which such compensation was calculated and awarded.

128. Disposal of surplus of fee-fund after payment of charges, and providing for deficiency therein.

129. Letters of request, and appeals in causes of correction of clerks to lie to the archbishop of the province, to be heard by him with certain assistants, or by commissioners appointed by him.

130. Cases heard before the archbishop or his commissioners to be heard and determined according to the practice of the Arches Court of Canterbury. Sentence to be pronounced by the archbishop in person. Appeal to her Majesty in council.

131. Other appeals in matters of the ordering of clergy or church discipline, to be heard in the same manner.

132. Appeals from Isle of Man to be heard by Vicar-General of York, from whom an appeal to her Majesty in council.

133. Rules of practice may be made by the two archbishops, to be approved by her Majesty in council.

134. The two archbishops may, subject to the approbation of her Majesty in council, make tables of fees, and alter and add to the same.

135. That when any provision of this act shall require as a qualification for any office or employment, that the person to be appointed thereto shall be or shall have been an advocate or proctor of or practicing in or on the rolls of her Majesty's Court of Arches, whether generally or for some specified period, such person shall be taken and deemed to be qualified within the meaning of such provision, if he shall be or shall have been an advocate or proctor (as the case may be) of the Arches Court of Canterbury, or if a specified period be required, if he shall have been for the whole of such specified period an advocate or proctor (as the case may be) of the said Court of Arches, or of the Arches Court of Canterbury, or for part of such period of the Arches Court of Canterbury, or of any court mentioned in the said Schedules (B.) and (C.), and for the remainder of the said period of her Majesty's Court of Arches.

136. Two divisions of the united dioceses of Gloucester and Bristol, and of the dioceses of St. Asaph and Bangor when united.

137. That, unless it shall otherwise appear from the context, the word "preferment," when used in this act, shall be construed to comprehend every dignity or office of dean or archdeacon, and every canonry, prebend, office of minor canon, priest, vicar, or vicar choral in holy orders, and every procuratorship, treasurership, subdeanery, chancellorship of the church, and other dignity and office in any cathedral or collegiate church.

And the word "benefice," when used in this act, shall be construed to comprehend all benefices with cure of souls, comprehending therein all parishes, perpetual curacies, donatives, endowed public chapels, parochial chapels, and chapelries or districts belonging to, or reputed to belong to, or annexed, or reputed to be annexed to, any church or chapel, and every curacy, lectureship, readership, chaplaincy, office or place, which requires the discharge of any spiritual duty:

And the word "bishop," when used in this act, shall be construed to comprehend archbishop:

And the word "will" shall comprehend testament, codicil, appointment by will, or writing in the nature of a will, and all other testamentary instruments and papers which require probate:

And the word "administration" shall comprehend all letters of administration of the effects of deceased persons, whether with or without the will annexed, administration de bonis non, durante minore etate, ad litem, and all other letters of administration whatsoever, whether granted for general, special, or limited purposes:

And the word "oath" or "affidavit" shall comprehend the affirmation of a Quaker, separatist or Moravian:

And the word "diocese" shall in this act, and, save as to the place of appearance of any spiritual person before the bishop, shall also in the said act for the better enforcing of church discipline, be construed to comprehend and apply to the aforesaid divisions of the united dioceses hereinbefore named:

And in describing persons and things, any word importing the singular number only shall comprehend several persons and things; and any word importing the masculine gender only shall comprehend the feminine gender also.

138. Act only to extend to England.

139. That, save when otherwise specially directed, the several provisions of this act shall come into operation on the 1st October, 1843; save also, that no person appointed after the 31st December, 1842, to any office retained by this act, shall be entitled to hold or receive compensation for the same, except he be qualified as required by this act, nor shall any person appointed after the 13th August, 1836, to any office be entitled to compensation by reason that such office is abolished or affected by this act.

140. Act may be repealed or altered.

#### SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

##### SCHEDULE (A.)

*Containing a List of the Registrars and other Officers to be appointed by the Judge of her Majesty's Court of Arches; of their respective Salaries; and also of the Retiring Pensions which her Majesty is empowered to grant to any Person who shall have held the Office of Registrar of the said Court for the Period specified in the Act.*

	Salary.	Retiring Pension.
	£	£
Three registrars, each .....	1400	500
Fourth registrar (if appointed) .....	1000	
Three senior principal clerks of seat, each .....	600	
Fourth and fifth principal clerks of seat, each .....	500	
Sixth and seventh principal clerks of seat, each (if appointed) .....	400	
Sealer .....	300	
Two record keepers, each .....	420	
Accountant .....	200	
Auditor .....	100	
Three senior assistant clerks of seat, each .....	180	
Fourth and fifth assistant clerks of seat, each .....	150	
Each additional assistant clerk of seat appointed .....	130	
Apparitor .....	200	
Usher .....	100	
Judge's clerk .....	120	

##### SCHEDULE (B.)

*Containing a List of the several Archbishopships' Courts to be retained, and of the Salaries of the Judges and Registrars of such Courts respectively.*

Archbishopships' Courts.	Salary.	
	Judge.	Registrar.
	£	£
Court of the Archbishop of Canterbury, and of his vicar-general in London .....	1200	450
Court of the master of the faculties of the Archbishop of Canterbury in London .....	500	420
Court of the Archbishop of York, and of his vicar-general at York, consolidated with the Consistory Court at York ..	1000	800

##### SCHEDULE (C.)

*Containing a List of the several Bishops' Courts to be retained, and of the Salaries to be paid to the Judges and Registrars of such Courts respectively.*

Bishops' Courts.	Salaries.	
	Judge.	Registrar.
	£	£
Chester, Consistory Court at .....	400	600
Lichfield ditto .....	400	500
Exeter ditto .....	350	400
Lincoln ditto .....	350	400
London ditto .....	300	350
Norwich ditto .....	300	350
Durham ditto .....	250	350
Bath and Wells, Consistory Court of, at Wells .....	250	300
St. David's ditto, at Carmarthen ..	200	300
Salisbury, Consistory Court at .....	200	300
Hereford ditto .....	200	300
Winchester ditto .....	200	300
St. Asaph ditto .....	200	300
Gloucester ditto .....	200	300
Carlisle ditto .....	200	200
Peterborough ditto .....	200	200
Worcester ditto .....	200	200
Bristol ditto .....	200	200
Chichester ditto .....	200	200
Bangor ditto .....	200	200
Llandaff ditto .....	200	200
Ely, Consistory Court of, at Cambridge ..	200	200
Oxford, Consistory Court at .....	200	200
Rochester ditto .....	200	200
Canterbury ditto .....	200	200
Ripon ditto .....	200	200
Manchester ditto .....	200	200
York ditto, consolidated with the vicar-general's court.		

##### SCHEDULE (D.)

No. 1.—*Form of Administration Bond in case of Intestacy.*

"The condition of this obligation is such, that if the above-bounden — do, when thereto required by order of her Majesty's Court of Arches, make or cause to be made a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of him the said — or into the hands and possession of any other person or persons for him; and the same so made, do, when thereto required by such order as aforesaid, exhibit or cause to be exhibited in the registry of the said court, [or in the branch registry of the said court at —] and the same goods, chattels, and credits, and all other the goods, chattels, and credits of the said deceased, at the time of his death, which at any time after shall come to the hands or possession of the said — or into the hands or possession of any other person or persons for him, do well and truly administer (that is to say), (do pay the debts of the said deceased, which — did owe at — decease, as far as — goods, chattels, and credits will thereunto extend and the law charge him); and further, when thereunto required by such order as aforesaid, do make or cause to be made a true and just account of his said administration, and all the rest and residue of the said goods, chattels, and credits which shall be found remaining upon the said administrator's accounts, (the same being first examined and allowed by the judge of the Court of Arches for the time being), shall deliver and pay unto such person or persons respectively as the judge of the said Court of Arches by his decree or sentence (pursuant to the true intent and meaning of the said recited act, intituled "An Act for the better settling of Intestates' Estates") shall limit and appoint; and if it shall hereafter appear that any last will and testament was made by the said deceased, and the executor or executors therein named, or any person interested therein, do exhibit the same in the said court, making request to have it allowed and approved accordingly, if the said — being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court, then this obligation to be void and of none effect, or else to remain in full force and virtue."



No. 2.—*Form of Bond on granting Administration with Will annexed.*

"The condition of this obligation is such, that if the above-bounden — do, when thereto required by order of her Majesty's Court of Arches, make or cause to be made a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of him the said —, or into the hands and possession of any other person or persons for him; and the same so made, do, when thereto required by such order as aforesaid, exhibit or cause to be exhibited in the registry of the said court, [or in the branch registry of the said court at —], and the same goods, chattels, and credits do well and truly administer, (that is to say), do pay the debts of the said deceased, which — did owe at — decease, and then the legacies contained in the said will annexed to the said letters of administration, so to — committed, as far as — goods, chattels, and credits will thereto extend, and the law charge him, and further, when thereto required by such order as aforesaid, do make or cause to be made a true and just account of — said administration, and all the rest and residue of — said goods, chattels, and credits which shall be found remaining upon the said administrator's accounts, and not otherwise disposed of in the said will, (the same being first examined and allowed of by the judge of the Court of Arches for the time being), shall distribute and dispose as the judge of the Court of Arches, by his decree and sentence, shall limit and appoint; and if it shall hereafter appear that any will and testament of the later date or any other codicil was made by the said deceased, and the executors or executor therein named, or any person interested therein, do exhibit the same in the said court, making request to have it allowed and approved accordingly, if the said — being thereunto required, do render and deliver the said letters of administration (approbation of such testament being first had and made) in the said court, then this obligation to be void and of none effect, otherwise to remain in full force and virtue."

**London Gazettes.**

TUESDAY, MARCH 14.

**DECLARATION OF INSOLVENCY.**

**HENRY SNELGROVE and WILLIAM SNELGROVE,** Southampton, upholsterers and cabinet-makers.

**BANKRUPTS.**

**DANIEL GOVER,** Marquis-court, Drury-lane, carpenter and builder, March 24 at 12, and April 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Valance, 20, Essex-street, Strand.—Fiat dated March 11.

**WILLIAM GORTON,** St. Peter's-chambers, Cornhill, merchant, March 21 at 2, and April 21 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Dickson & Overbury, Frederick's-place, Old Jewry.—Fiat dated March 9.

**WILLIAM JEHU BEAZLEY HALL LOFTY,** Bennett-street, Blackfriars-road, Surrey, shipowner, March 21 at 2, and April 24 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Tate, Basinghall-street.—Fiat dated March 9.

**WILLIAM ASLETT,** Bitterne, South Stoneham, Southampton, grocer and baker, March 22 at half-past 12, and April 24 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Hicks & Brackenridge, Bartlett's-buildings.—Fiat dated March 7.

**JOHN HANNAN,** St. Martin's-lane, victualler, March 22 at 1, and April 24 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Fry & Co., Cheapside.—Fiat dated March 8.

**EDWARD BUTT,** Great Surrey-street, Blackfriars, Surrey, linen-draper, March 28 at 12, and April 25 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Ashurst, 137, Cheapside.—Fiat dated March 8.

**HUGH PANTON, THOMAS WILLIAM PANTON, GEORGE FOSTER, and JOHN WILBERFORCE MORLEY,** Sunderland, Durham, iron-manufacturers, April 4 at 12, and May 2 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harrison, Newcastle-upon-Tyne; J. J. & G. W. Wright, Sunderland; Capes & Stewart, 1, Field-court, Gray's-inn.—Fiat dated March 7.

**ALEXANDER FRASER,** Trelleck-terrace, St. George, Hanover-square, board and lodging-house keeper, March 23 at 1, and May 2 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Leakes, Charlotte-row, Mansion-house.—Fiat dated March 8.

**THOMAS WRIGHT,** Edinburgh, and **RICHARD BURGESS and RALPH TAYLOR,** Tunstall, Staffordshire, earthenware manufacturers, March 25 at half-past 12, and April 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Ward, Burslem, Staffordshire.—Fiat dated Feb. 27.

**WILLIAM WHITLEY,** Liverpool, merchant, March 20 at 12, and April 20 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Knapper & Woolright, Liverpool.—Fiat dated Feb. 18.

**WILLIAM PUGH,** Gloucester, auctioneer, March 22 at 1, and April 27 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Lovegrove, Gloucester.—Fiat dated March 2.

**THOMAS SANDERSON,** Leeds, Yorkshire, woollen-draper, March 24 and April 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Bradley, Leeds.—Fiat dated March 3.

**THOMAS BAINES,** Bradford, Yorkshire, worsted-spinner, March 25 and April 25 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Morris, Bradford.—Fiat dated March 10.

**FRANK POPPLEWELL,** White Lee, Batley, Yorkshire, blanket-manufacturer, March 24 and April 28 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Dean, Batley, Yorkshire.—Fiat dated March 6.

**DANIEL GREATBATCH, jun.,** Newcastle-under-Lyne, Staffordshire, cabinet-maker and upholsterer, March 22 at 2, and April 21 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Stanier, Newcastle-under-Lyne.—Fiat dated March 11.

**SAMUEL MIDDLEHAM,** Clifton, Dewsbury, Yorkshire, wine and spirit merchant, March 28 and April 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Higham, Brighouse, near Huddersfield.—Fiat dated Feb. 28.

**WILLIAM WHITING ROBINSON,** Beverley, Yorkshire, linen and woollen draper, April 1 and April 25 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Payne & Co., Leeds; Blair, Manchester; Johnson & Co., Temple.—Fiat dated Feb. 25.

**TIMOTHY DUGGAN,** St. Joseph's Print-works, Cheadle-grove, Cheshire, calico-printer, March 24 at 12, and April 28 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Gibson, Manchester; Chisholme & Co., 64, Lincoln's-inn-fields.—Fiat dated March 9.

**WILLIAM HOWARTH and WILLIAM WILLIAMS,** Manchester, dyers and starch-manufacturers, April 3 and April 28 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Blair, Manchester; Johnson & Co., Temple.—Fiat dated March 3.

**JOHN BUXTON,** Manchester, builder, March 24 and April 28 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Humphrys & Co., Manchester; Walmsley & Co., 43, Chancery-lane.—Fiat dated March 10.

**MEETINGS.**

*Rich. Jas. Webb*, Piccadilly, tailor, March 21 at 1, Court of Bankruptcy, London, last ex.—*Harvey Garnett P. Tuckell*, Poultry, merchant, March 20 at half-past 10, Court of Bankruptcy, London, last ex.—*John Duncan*, Lothbury and Lombard-street, cloth-merchant, March 17 at 11, Court of Bankruptcy, London, last ex.—*Henry Bundey*, Upper York-place, Portland-town, St. Mary-le-bone, builder, April 5 at 11, Court of Bankruptcy, London, last ex. and aud. ac.—*Edwd. Hilton and Nath. Walsh*, Over Darwen, Lancashire, paper makers, March 23 at 11, District Court of Bankruptcy, Manchester, last ex.—*Thomas Gales, Wm. John Guest, John F. Naisby, and Matt. Kirtley*, Hylton, Durham, ship-builders, March 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex. *T. Gales*.—*Marcus Harris and Solomon A. Hart*, Cullum-street, Fenchurch-street, merchants, April 6 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Rayner and John Rayner*, Uxbridge and Hillingdon, Middlesex, seed crushers, April 4 at 11, Court of Bankruptcy, London, aud. ac.—*James C. Crespin*, Eastcheap, shipping-agent and merchant, April 4 at 11, Court of Bankruptcy, London, aud. ac.—*William Ashcroft, jun.*, Arbour-sq., Commercial-rd., cooper,



April 4 at half-past 11, Court of Bankruptcy, London, and. ac.—*John Percett*, St. John-st., coach builder, April 5 at 12, Court of Bankruptcy, London, and. ac.—*Jas. Brown* and *R. H. Barrett*, High-st.-place, White Horse-lane, Stepney, manufacturers of ships' controllers, April 5 at 11, Court of Bankruptcy, London, and. ac.—*John C. Mais*, Lime-st., merchant, March 24 at half-past 1, Court of Bankruptcy, London, and. ac.—*Henry Pitt*, Selby, Yorkshire, wine merchant, April 6 at 11, District Court of Bankruptcy, Leeds, and. ac.; April 7 at 11, div.—*Joseph Taylor*, Middlesbrough, Yorkshire, coal fitter, April 5 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 6 at 1, fin. div.—*Wm. Carr* and *J. C. Carr*, Sunderland, merchants, April 5 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 6 at 10, div. sep. est. *J. C. Carr*.—*W. Burton*, Hutton, near Radby, Yorkshire, miller, April 4 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*H. Fowcus* and *Robt. Fowcus*, Stockton-upon-Tees, Durham, timber merchants, April 4 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 5 at 2, div. joint est.; at 3, div. sep. est. *R. Fowcus*.—*Thomas Benson*, Darlington, Durham, grocer, April 5 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 6 at half-past 11, fin. div.—*Thomas Perry*, Liverpool, brick maker, April 4 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Geo. B. Brown*, Liverpool, commission merchant, April 4 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Peter Seddon*, Middle Hutton, Lancashire, coal dealer, April 26 at 11, District Court of Bankruptcy, Manchester, and. ac.; May 3 at 11, div.—*J. H. Ormerod*, Manchester, wine merchant, April 7 at 1, District Court of Bankruptcy, Manchester, and. ac.—*John Parker*, Manchester, coach builder, April 18 at 12, District Court of Bankruptcy, Manchester, and. ac.—*T. Manley*, jun., Albion-mills, Atherton, Lancashire, patent nail manufacturer, April 18 at 12, District Court of Bankruptcy, Manchester, and. ac.; April 19 at 12, div.—*Thomas Pitcairn*, Liverpool, merchant, April 7 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. Collings*, Devonport, Devonshire, baker, April 5 at 11, District Court of Bankruptcy, Exeter, and. ac.—*Saml. B. Lives*, Oldbury, Hales Owen, Shropshire, grocer, April 8 at half-past 12, District Court of Bankruptcy, Birmingham, and. ac. and pr. d.; April 10 at half-past 12, div.—*Thomas Bryan*, Leamington-priors, Warwickshire, butcher, April 10 at 12, District Court of Bankruptcy, Birmingham, and. ac. and pr. d.—*Jonathan Wacey*, Beech-st., Barbican, bookseller, April 6 at 12, Court of Bankruptcy, London, div.—*Alvaro Da Camara* and *Julio Da Camara*, Old Broad-st., London, and Madeira, Portugal, wine merchants, April 4 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Heslewood*, *Robt. Heslewood*, and *J. Skitt*, Kingston-upon-Hull, and Red Lion-wharf, Thames-st., London, white-lead manufacturers, April 5 at 11, District Court of Bankruptcy, Leeds, div.—*Wm. Stone* and *Robert Blake*, Bristol, tailors, April 10 at 11, District Court of Bankruptcy, Bristol, div.—*D. W. Acraman*, *Wm. E. Acraman*, *A. John Acraman*, *William Morgan*, *Thos. Holroyd*, and *James N. Franklyn*, Bristol, ship builders, April 10 at 12, District Court of Bankruptcy, Bristol, div. sep. est. *W. Morgan*; April 11 at 12, div. sep. est. *T. Holroyd*; April 12 at 12, div. sep. est. *Jas. N. Franklyn*.—*Henry Fullford*, Birmingham, draper, April 11 at 12, District Court of Bankruptcy, Birmingham, div.—*Wm. Williams*, Cowarne court, Herefordshire, corn dealer, April 5 at 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause shewn to the contrary.

*Charles Fendle*, Beaumont-st., Marylebone, coach maker, April 4 at 1, Court of Bankruptcy, London.—*Wm. Brown*, Oxford-st., upholsterer, April 4 at half-past 11, Court of Bankruptcy, London.—*Robert Ames*, Margate, Kent, linen draper, April 6 at 2, Court of Bankruptcy, London.—*Fred. Fox*, Watton, Hertfordshire, innkeeper, April 4 at 11, Court of Bankruptcy, London.—*David Morgan*, Rhosmaen, Llan-Exhar, Carmarthenshire, tanner, April 4 at 12, Court of Bankruptcy, London.—*Wm. C. Knight*, Suffolk-st., Southwark, builder, April 7 at 2, Court of Bankruptcy, London.—*Wm. H. Woodall*, Bishopsgate-st. Without, woollen draper, April 7 at half-past 12, Court of Bankruptcy, London.—*Chas. Put*, jun., Canterbury, druggist, April 7 at 12, Court of Bankruptcy, London.—*Isaac Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *John Davison*, Marton, farmer, and

Middlesbrough, Yorkshire, earthenware manufacturer, April 5 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne.—*George Armstrong*, Castle Eden, Durham, grocer, April 6 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Sheppard*, Boston, Lincolnshire, corn merchant, April 8 at half-past 11, District Court of Bankruptcy, Birmingham.—*Fred. Plank*, Plymouth, Devonshire, perfumer, April 6 at half-past 1, District Court of Bankruptcy, Exeter.—*J. Jones*, Liverpool, victualler, April 7 at 1, District Court of Bankruptcy, Liverpool.—*Robt. Hentig*, Kingston-upon-Hull, merchant, April 7 at 11, District Court of Bankruptcy, Leeds.—*Edw. Cock*, Plymouth, Devonshire, linen draper, April 6 at 2, District Court of Bankruptcy, Exeter.—*Thomas Carter*, Stafford, builder, April 5 at 12, District Court of Bankruptcy, Birmingham.—*John Smith*, Wednesbury, Staffordshire, grocer, April 11 at 11, District Court of Bankruptcy, Birmingham.—*John Harper*, Monmouth Cap, Langau, Monmouthshire, innkeeper, April 11 at half-past 11, District Court of Bankruptcy, Birmingham.—*Geo. T. Carwell*, Birmingham, glass dealer, and Wolverhampton, Staffordshire, pump maker, April 8 at 1, District Court of Bankruptcy, Birmingham.—*Wm. Wood*, Picket-st.-chambers, Strand, money scrivener, April 4, Court of Bankruptcy, London.—*John S. Greenwood*, Calverley-mills, Yorkshire, cloth manufacturer, April 4, Court of Bankruptcy, London.—*Charles Lundy*, Kingston-upon-Hull, Yorkshire, April 4, Court of Bankruptcy, London.—*John Jones*, Liverpool, and Llanddulas, Denbighshire, limestone dealer, April 4, Court of Bankruptcy, London.—*Chas. Allen*, Walsall, Staffordshire, saddler, April 4, Court of Bankruptcy, London.—*George Thomson*, Crutched-friars, London, corn factor, April 4, Court of Bankruptcy, London.—*Thos. Pilbeam*, Parker-st., Drury-lane, smith, April 4, Court of Bankruptcy, London.—*T. Spence*, Maryland-point, Stratford, Essex, market gardener, April 4, Court of Bankruptcy, London.—*W. Hopper*, Great Queen-st., Lincoln's-inn-fields, warehouseman, April 4, Court of Bankruptcy, London.—*Daniel Hadingham*, Cambridge, linen-draper, April 4, Court of Bankruptcy, London.—*Henry Pitt*, Selby, Yorkshire, wine-merchant, April 4, Court of Bankruptcy, London.—*H. C. Carter*, Sussex-terrace, Hammersmith, carpenter, April 4, Court of Bankruptcy, London.—*Jos. Jas. Dell*, Strand, tavern-keeper, April 4, Court of Bankruptcy, London.—*George Boddington*, Warwick, coach-builder, April 4, Court of Bankruptcy, London.—*Carrington Wilson*, Wickham-brook, Suffolk, innkeeper, April 4, Court of Bankruptcy, London.—*Jas. Hodson*, Reading, Berkshire, druggist, April 4, Court of Bankruptcy, London.—*Joseph Jackson*, Southampton, slate-merchant, April 4, Court of Bankruptcy, London.—*Wm. Hoad*, Wickham, Southampton, grocer, April 4, Court of Bankruptcy, London.—*John Webb*, Birmingham, tailor, April 4, Court of Bankruptcy, London.

## FIAT SUPERSEDED

*John James*, Meeting-house-court, Old Jewry, London, merchant.

## FIATS ANNULLED.

*George P. Lethbridge*, Portsea, Hampshire, linen-draper.—*John Calvert*, Liverpool, flag and slate merchant.

## SCOTCH SEQUESTRATIONS.

*Mrs. Ida Ann Vanholl Crichton*, Edinburgh, deceased.—*Gilbert M' Clymont*, Challock, Penningham, Wigton, farmer.—*Hugh Craig*, Kilmarnock, merchant.

## INSOLVENT DEBTORS.

Saturday, March 11.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Benj. Boyes*, Bradford, Yorkshire, shopkeeper, No. 61,807 C.; *Thos. Cowgill*, assignee.—*John Pybus*, Halifax, Yorkshire, shoemaker, No. 61,886 C.; *Edmund Stead*, assignee.—*Samuel Smith*, Hemmingfield, near Barnalea, Yorkshire, wheelwright, No. 61,849 C.; *Thos. Marrian* and *John Armstrong*, assignees.—*John Groves*, Highworth, Wiltshire, brewer's servant, No. 61,986 C.; *Felton Matthews*, assignee.—*Wm. Sagon Page*, jun., Scarborough, Yorkshire, attorney at law, No. 61,212 C.; *Wm. Sagon Page*, sen., assignee.—*Geo. Burrow*, Burton in Lonsdale, near Benthall, Yorkshire, out of business, No. 61,839 C.; *Emanuel Shiers*, assignee.—*John Wood*, Broom-hill, Hetton-le-Hole, Durham, publican, No. 62,010 C.; *Robert Stafford*, assignee.—*G. Hilton*, Kingston-upon-Hull, tailor, No. 61,993 C.; *Saml. W. Isherwood*, as-

signee.—*Mary Raine*, Benwell, Northumberland, widow, No. 61,700 C.; *Wm. Wood*, assignee.—*Jas. Allen*, Waltham St. Lawrence, near Maidenhead, Berkshire, dealer in fruit, No. 59,471 C.; *John Knight*, assignee.—*Jas. Price*, Haggerstone, Middlesex, pyrotechnist, No. 54,657 T.; *Edward Garrard*, assignee.—*Robt. Overend*, Scholes, near Halifax, Yorkshire, card-maker, No. 60,997 C.; *Charles Evers*, assignee.—*Ernest Fredk. Noll*, Waterloo-terrace, Whitechapel-road, baker, No. 54,419 T.; *Jas. Carpenter*, assignee.—*Richard Kelly*, Norland-house, Notting-hill, schoolmaster, No. 54,380 T.; *Henry P. Bedford*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Wednesday, April 5 at 9.*

*Richd. Harvey*, Pancras-place, St. Pancras-road, slater.—*Ebenezer Orris*, Goswell-street, bookbinder.—*Thomas Pank*, Praed-street, Paddington, out of business.—*Chas. Morrison*, Apollo-buildings, East-street, Walworth, omnibus time-keeper at Kennington-gate.—*Alex. Goudge*, Sutton-place, Hackney, out of business.—*Chas. Stephen Moore*, Grove-ter., Brompton, baker.—*John D. Kinnear*, Bentinck-street, Manchester-square, discount agent.—*Robt. Walter Sharp*, Swan-street, Old Kent-road, Surrey, out of business.—*Richd. S. Roach*, Navestock, near Brentwood, Essex, bill-broker.—*John P. Christie*, quadrant, Regent-st., out of business.

*April 6, at the same hour and place.*

*Charles Palmer*, South-street, Grosvenor-square, paper-hanger.—*Thos. Wood*, Hyde, baker.—*Jas. Varnam*, Pearson-street, Kingsland-road, out of business.—*Thos. Wardall*, El-street, near Edgeware, out of business.—*Geo. L. Jones*, Union-row, New Kent-road, paper-hanger.—*Jas. Carson*, Belvidere-place, Southwark, painter.—*Richd. George Cross*, Chancery-lane, out of business.—*James Marquis*, London-wall, hair-dresser.—*Hen. Wm. Compton*, Palace-street, Pimlico, shorthand writer's clerk.—*Chas. Knowlton*, Surrey-grove, Old Kent-road, painter.

*Court-house, CAERNARVON, (County), April 4 at 10.*

*Hen. Williams*, Pen y groes, Llanllyflyn, coal-dealer.—*M. Davies*, Lleaning, widow.—*Richd. P. Lewis*, Tynllan, Llan-fair y Crommwd, Anglesey, gentleman.—*Jas. Williams*, Tysiap, Llandudno, miner.

*Court-house, NOTTINGHAM, (County), April 5 at 10.*

*John King*, Moor-green, collier.—*Wm. T. Dickenson*, Burton, out of business.—*Geo. Cox*, Alfreton, Derbyshire, stocking-maker.—*John Smith*, North Leverton, assistant in husbandry.—*Geo. Marshall*, Sherwood Basford, baker.—*William Eaton*, Eastwood, shoemaker.—*Ed. Fwulkes*, Smalley, Derbyshire, horse-dealer.—*Thos. Cope*, sen., Lewton, road-maker.—*Sarah Clark*, Calverton, shopkeeper.—*John Ashwell*, East Bridgford, dealer in horses.—*Wm. Afly*, Chilwell, out of business.—*John F. Barber*, Bar-gate, Newark, cabinet-maker.—*Ephraim Daws*, Birchwood and Birchall, near Chesterfield, Derbyshire, coal-miner.—*Benj. White*, Brough, South Cottingham, Newark, retail beer-seller.—*John Tinker*, Castle-gate, Newark, out of business.

*Court-house, NOTTINGHAM, (Town), April 5 at 10.*

*Thomas Shaw*, Broad-marsh, shoemaker.—*George Peet*, Nottingham, shoemaker.—*Thos. Maltby*, Nottingham, framework knitter.—*Jos. Roberts*, Chapel-bar, hair-dresser.—*John Gainsley*, New Sneinton, confectioner.—*Stephen Alport*, Nottingham, labourer.—*Edmund Kitchen*, New Lenton, out of business.—*Saml. Warner*, Nottingham, hair-dresser.—*Chas. Ley*, jun., Nottingham, cooper.—*Hen. Giles*, Sneinton, out of business.—*Henry Burton*, Nottingham, lace-maker.—*James Rushton*, Nottingham, ironmonger.

#### MEETING.

*Thos. Weatherell*, Hexham, Northumberland, innkeeper, March 30 at 11, White Hart, Hexham, sp. aff.

**FRIDAY, MARCH 17.**

#### DECLARATION OF INSOLVENCY.

**JAMES CHARD**, Taunton, Somersetshire, corn factor and seed dealer.

#### BANKRUPTS.

**EDWARD MESSUM**, Portsea, Southampton, brewer, March 28 at 12, and April 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Briggs & Son, Lincoln's-inn-fields.—Fiat dated March 11.

**JOSEPH COOKE**, New-street, Dorset-square, upholsterer, March 24 and April 28 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Tate, Basinghall-street.—Fiat dated March 14.

**GEORGE CLARKE**, Crawford-street, Bryanstone-s-boot and shoe maker, March 24 at 2, and April 28 Court of Bankruptcy, London: Off. Ass. Pennell; Lewis, 7, Arundel-street, Strand.—Fiat dated Feb. 21

**RICHARD BODDINGTON**, Liquepond-street, H. garden, ironmonger, March 24 at 2, and May 2 at 12, of Bankruptcy, London: Off. Ass. Gibson; Sol. M. Great Tower-street.—Fiat dated March 14.

**CHARLES HARRISON**, Red Lion-street, Holborn, lic victualler, April 1 and April 29 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Fiske Queen-square, Bloomsbury.—Fiat dated March 11.

**THOMAS CHESLETT**, Gracechurch-street, hosier, 1 29 at 11, and April 28 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Stephen, Skinner's-lane.—Fiat dated March 16.

**ROBERT HALLS**, Colchester, Essex, fishmonger, Mar at half-past 12, and April 28 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Blunt & Co., Loth.—Fiat dated March 11.

**JOSEPH PARRY**, Haverfordwest, draper, March 30 April 27 at 11, District Court of Bankruptcy, Bristol: Ass. Morgan; Sols. Leman, Bristol; Lloyd, 61, Cheap.—Fiat dated March 1.

**WILLIAM ECCLES**, Much Woolton, Lancashire, g and flour dealer, March 28 at 2, and April 28 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Toulmin, Liverpool; Norris & Co., Bartlett's-building.—Fiat dated March 9.

**ROBERT DEMPSEY SOTHERN**, St. Helens, Lancashire, ship builder, April 4 at 12, and April 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Barnes & Barrow, St. Helens'; Chester & Toulmin, St. inn.—Fiat dated March 7.

**HENRY LAYBOURN**, Hartlepool, Durham, ship and insurance broker, April 10 at 2, and May 1 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Baker; Sols. Poole, Hartlepool; Smithson & Mitton, Southampton-bdgs., Chancery-lane.—Fiat dated March 7.

**JOHN WOOD, WILLIAM WOOD, JOSEPH WOOD, SAMUEL WOOD, GEORGE WOOD, and JOSH WOOD**, Millbridge, Liversedge, Birstal, Yorkshire, chine makers, March 29 and April 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Hor & Harrison, Leeds; Dean, Batley.—Fiat dated March 10.

**THOMAS BAGSHAW**, Burton, Derbyshire, innkeeper, March 28 at 11, and April 25 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Crosb Sudlow, Manchester; Milne & Co., London.—Fiat dated March 10.

**FRANCIS ALLEN**, jun., Booden, Haughton, Staffordshire, brick maker, March 28 and April 21 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Flint, Stafford; Reece, Birmingham.—Fiat dated Feb. 24.

**CHARLES SCOTT**, Newcastle-under-Lyme, Staffordshire, currier, March 30 at half-past 12, and April 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. more; Sol. Harding, Newcastle-under-Lyme.—Fiat dated March 11.

#### MEETINGS.

*Anthony Bull*, Bucklersbury, merchant, April 15 at 1, of Bankruptcy, London, pr. d.—*Jas. Young*, *Thos. Bro George Ballard*, *James Charles Colebrooke Sutherland Nathan. Alexander*, Calcutta, East Indies, merchants, 28 at half-past 11, Court of Bankruptcy, London, ch.—*James Coulwell*, Richmond, Surrey, builder, March 29 Court of Bankruptcy, London, last ex.—*Nathaniel Dick Ancoats*, Manchester, dyer, April 12 at 11, District Court of Bankruptcy, Manchester, last ex.—*Robt. N. Munton*, Fletland-mills, Greatford, Lincolnshire, miller, April 12 District Court of Bankruptcy, Birmingham, last ex.—*Lines*, Oldbury, Hales Owen, Shropshire, grocer, April half-past 12, District Court of Bankruptcy, Birmingham ac.—*T. Pitcairn*, Liverpool, merchant, April 7 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Geo. B. W. Bristol*, perfumer, April 18 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Horatio Lewis Orton*, Box, Wiltshire, and Errington Paxton, Long Ashton, Somersetshire, but April 13 at 11, District Court of Bankruptcy, Bristol, ac.—*Wm. L. Prattman*, Butterknowle-lodge, and M.

ter, Copley, timber-merchants, April 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac. sep. est. *Wm. L. Prutten*.—*John Richan, Thomas Richan, and James Blake*, Sunderland, Durham, and Kingston-upon-Hull, tinners, April 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 13 at 12, fin. div. joint est.; April 10 at 1, and. ac.; April 13 at 1, fin. div. sep. est. *Thos. Richan*.—*T. Brightman*, Spalding, Lincolnshire, apothecary, April 12 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*J. Smith*, Wellesbury, Staffordshire, grocer, April 11 at 11, District Court of Bankruptcy, Birmingham, and. ac.—*J. C. Moyer*, Dalehall, Burslem, Staffordshire, builder, April 21 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*J. Hen. Anderson*, Manchester, printer, April 11 at 12, District Court of Bankruptcy, Manchester, and. ac.—*John Henry Bell*, Bristol, apothecary, April 18 at 1, District Court of Bankruptcy, Bristol, and. ac.—*William Smith and John Stickle*, Queen's-buildings, Knightsbridge, chessmongers, April 7 at half-past 12, Court of Bankruptcy, London, div.—*W. Mayker*, Crutched-friars, London, and De Crespigny-place, Camberwell, Surrey, wine-merchant, April 7 at half-past 11, Court of Bankruptcy, London, div.—*Fred. Ford*, Aldgate, London, draper, April 7 at 11, Court of Bankruptcy, London, div.—*H. T. Austen, Henry Mawds*, and *Jas. Filson*, Henrietta-st., Covent-garden, bankers, April 11 at 1, Court of Bankruptcy, London, fin. div.—*John Jenkins*, Cardiff, Glamorganshire, draper, April 24 at 11, District Court of Bankruptcy, Bristol, div.—*Geo. Boddington*, Warwick, coach-builder, April 21 at 3, District Court of Bankruptcy, Birmingham, div.—*Charles Henry Webb*, Forebridge, Staffordshire, corn-dealer, April 11 at 1, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*ling Robinson*, Ballingdon, Essex, millwright, April 11 at 1, Court of Bankruptcy, London.—*Saml. Freshney*, Bond-st., Chelsea, grocer, April 7 at 1, Court of Bankruptcy, London.—*Geo. East and Hen. Bulgin*, Regent-st., booksellers, April 11 at half-past 1, Court of Bankruptcy, London.—*Henry J. Watkins*, Hightown, Birstal, Yorkshire, card-maker, April 8 at 11, District Court of Bankruptcy, Leeds.—*John Beaumont*, Tottenham-court-road, apothecary, April 7 at 1, Court of Bankruptcy, London.—*John Rodgerston*, Hylton-ferry, Durham, ship-builder, April 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*G. Forster*, Newcastle-upon-Tyne, butcher, April 7 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Simpson*, Gateshead, Durham, painter, April 7 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Ed. Thompson*, South Shields, Durham, wine and spirit-dealer, April 10 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Beeze*, Newcastle-upon-Tyne, tanner, April 10 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Jardine*, Liverpool, merchant, April 10 at 11, District Court of Bankruptcy, Liverpool.—*Charles Pickelley*, Sheffield, Yorkshire, merchant, April 25 at 12, District Court of Bankruptcy, Leeds.—*Saml. Cheetham and T. Wadsworth*, Macclesfield, Cheshire, alt.-throwers, April 11 at 12, District Court of Bankruptcy, Manchester.—*P. Lowe*, Norley, Cheshire, shoemaker, April 11 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Wallis and John Wallis*, Lincoln, and Wragby, corn-merchants, April 7 at 11, District Court of Bankruptcy, Leeds.—*Wm. Royston*, Manchester, yarn-dealer, April 11 at 12, District Court of Bankruptcy, Manchester.—*William Vickers*, Manchester, iron-founder, April 11 at 12, District Court of Bankruptcy, Manchester.—*Richard Hickman*, Bilston, Staffordshire, timber-merchant, April 8 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Wright*, Burslem, Staffordshire, baker, April 8 at 1, District Court of Bankruptcy, Birmingham.—*Wm. Bath*, Bilston, Staffordshire, brandy merchant, April 14 at 11, District Court of Bankruptcy, Birmingham.—*Thos. Brightman*, Spalding, Lincolnshire, apothecary, April 12 at 12, District Court of Bankruptcy, Birmingham.—*Robt. Judd*, Melton Mowbray, Leicestershire, draper, April 13 at half-past 11, District Court of Bankruptcy, Birmingham.—*John Barraclough*, Bradford, Yorkshire, timber-merchant, April 7 at 11, District Court of Bankruptcy, Leeds.—*John Colnett*, Pier Hotel, Gravesend, Kent, hotel-keeper, March 7, Court of Bankruptcy, London.—*John Appleton*, Walnut-tree-walk, Lambeth, Surrey, corn dealer, April 7, Court of Bankruptcy, London.—*Robt. Smart*, Flax

Bourton, Somersetshire, common brewer, April 7, Court of Bankruptcy, London.—*J. T. Burgen*, Bucklersbury, wholesale hardwareman, April 7, Court of Bankruptcy, London.—*Henry Barton*, jun., Liverpool, merchant, April 7, Court of Bankruptcy, London.—*Edward Parker West*, Stamford, Lincolnshire, grocer, April 7, Court of Bankruptcy, London.—*A. Fricour*, St. Martin's-lane, hotel keeper, April 7, Court of Bankruptcy, London.—*Henry Rogers*, Dartmouth, Devonshire, wine merchant, April 7, Court of Bankruptcy, London.—*Thomas Blason*, Ecton, Northamptonshire, innkeeper, April 7, Court of Bankruptcy, London.—*John Casson*, Liverpool, corn merchant, April 7, Court of Bankruptcy, London.—*W. G. Wilde*, Ross, Herefordshire, tanner, April 7, Court of Bankruptcy, London.—*Miles Coe*, Goldsmith-st., Wood-st., Cheap-side, laceman, April 7, Court of Bankruptcy, London.—*Wm. Blaxland*, Birmingham, woollen-draper, April 7, Court of Bankruptcy, London.—*W. Wepshott*, Crosby-row, King-st., Southwark, engineer, April 7, Court of Bankruptcy, London.—*David Davies*, jun., Glauclwyedog, Llanidloes, Montgomeryshire, flannel manufacturer, April 7, Court of Bankruptcy, London.

#### FIATS ANNULLED.

*Louis Goodman*, Tottenham-court-road, draper.—*J. Coleman*, Birmingham, victualler.

#### SCOTCH SEQUESTRATIONS.

*John Bisset*, Fish Cross, Ayr, merchant.—*John Simson*, Ayr, merchant.—*Wm. Campbell*, Glasgow, bookseller.—*W. Wight*, Dalmellington, Ayrshire, carpet manufacturer.—*Wm. Morrison & Co.*, Glasgow, coal agents.—*Peter Begbie & Co.*, Edinburgh, ironmongers.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, April 8 at 9.

#### Adjourned.

*Alex. Geddes*, Globe-terrace, Devonshire-street, Mile-end, tailor.

April 10, at the same hour and place.

*Albert Barrett*, Trinity-place, Charing-cross, clerk in the office of the sheriff of Middlesex.—*Edward Mark Good*, Ryelane, Peckham, Surrey, farmer.—*James Miller*, Princes-st., Portman-market, accountant.—*Dan. Hunter*, Fleet-lane, Farringdon-st., biscuit baker.—*James Winsen*, Smithwood-common, Albury, near Guildford, Surrey, sawyer.—*Timothy John Gridley*, Seymour-place, Bryanston-sq., coach painter.—*J. Edwards*, Strahan-place, Ball's-pond, Islington, greengrocer.—*Wm. Lock*, Osborn-place, Brick-lane, Whitechapel, sawyer.—*James Evans*, Upper St. Martin's-lane, victualler.—*Ralph Barclay*, Marchmont-st., Brunswick-sq., painter.

Court-house, DERBY, (County), April 8 at 10.

*Mathew Cholerton*, Derby, out of business.—*Thos. Fields*, Derby, grocer.—*Michael Green*, Whittington, near Chesterfield, labourer.—*Marmaduke Parkes*, Derby, whitesmith.—*Wm. Robinson*, Derby, out of business.—*Rich. Carrington*, Derby, out of business.

Court-house, BODMIN, Cornwall, April 7 at 10.

*Samuel Hooper*, Wadebridge, blacksmith.—*Jacob Dale*, Penzance, labourer.—*Richard Bakes*, Callington, draper.—*Wm. Tremewan*, St. Agnes, blacksmith.—*John James Uren*, Redruth, hat maker.—*W. E. Trezise*, Saint Just, Penrith, Cornwall, grocer.—*Richard Knight*, St. Neot, labourer.—*Jos. Boulderson*, Penryn, gentleman.

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Francis*, Newport, Monmouthshire, commercial traveller, Langley's, Cardiff: 6d. in the pound.—*J. D. Meredith*, Kington, Herefordshire, butcher, Bodenham's, Kington: 6s. 2½d. in the pound.

#### MEETINGS.

*Thomas Richardson*, Morland, near Appleby, Westmoreland, husbandman, April 1 at 10, Robinson's, Appleby, sp. affairs.—*Anna Long*, Bristol, widow, out of business, April 1 at 1, Sheldon's, Cheltenham, sp. affairs.—*Richard D. Rodda*, Penzance, Cornwall, bookseller, March 31 at 12, Sessions-house, Old Bailey, London, sp. affairs.

MASTERS IN CHANCERY.—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*William John Williams*, of Brighton; *Edward Hoar*, of Maidstone.

**LAW.**—A Gentleman of industrious habits, and fully acquainted with the Business of a Country Office, having for more than ten years had the Management of an Office of extensive Practice in the Country, is desirous of entering into a similar engagement in an office of respectability. Letters addressed to C. D., Jurist Office, 3, Chancery-lane, will receive attention.

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	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
20	0 19 1	1 5 6	1 11 11	1 18 4	2 4 9
30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
50	2 16 3	3 10 10	4 5 5	5 0 0	5 14 7
60	4 8 11	5 17 4	7 5 9	8 18 2	10 2 7

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# The Jurist

No. 324.

MARCH 25, 1843.

With Supplement, 2s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, MARCH 25, 1843.

THE alterations in the Law of Evidence proposed by Lord Denman's bill now before the Legislature, go so much farther than anything that has yet been attempted in abolishing the distinction between objections to competency and objections to credibility; so much further, therefore, toward overturning one of the most favourite distinctions of lawyers, that it is not to be wondered at that they should meet with much opposition, and still more doubt. We have now before us a well-written pamphlet on this subject\*, (with the opinions of which we, however, almost entirely disagree), which argues very earnestly against the project of the Lord Chief Justice. The most material clauses of the bill are the preamble and the first section, which run thus: "Whereas the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony;"

Be it enacted, "That no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may, and shall be admitted to give

evidence on oath or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or injury, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence."

The effect of the clause last cited will undoubtedly be to remove the largest class of objections to the competency of witnesses, and to render nearly all witnesses competent who are so by age and intellect. The objection taken to this alteration in the law is, as regards interested witnesses, that by allowing a man to give evidence when his interest is concerned, that is, when he will derive profit and advantage from the decision turning in one particular way, you invite him to distort the truth, and lead him to present to the jury false evidence. The author of the pamphlet referred to, observing on the difficulty of detecting, in the short period that a witness not previously known to the jury is exposed to their notice under cross-examination, the fact whether he is more or less credible, more or less honest, remarks: "There is no greater fallacy, than to suppose, that any system of cross-examination could satisfactorily shew, what degree of pounds-sterling-pressure a man's conscience can bear without being strained; or demonstrate the different effect that a 1000*l.* loss or gain will have on two individuals, outwardly the same in fortune, station, and character. The springs that move in these matters are too deeply hidden from the common eye. There are few men disposed to endure every sacrifice rather than consent to the slightest compromise of principle; but who can fix the degree in each man's breast at which principle falls to the self-interest mark? except we could settle the specific weights of a column of interest and a column of morality and religion, as easily as we can of mercury or of alcohol."

\* A few brief Remarks on Lord Denman's Bill, by John J. Saunders, Esq., Barrister at Law. Saunders & Benning, London.

Now, we apprehend it is precisely for the reasons stated in the passage we have quoted, that it is expedient to alter the law by abolishing altogether incompetency on the ground of interest. It is because we cannot a priori estimate what degree of pounds-sterling-pressure a given man's conscience will bear without being strained; it is because the varieties between the elasticities of different consciences are almost infinite; it is because one man will tell the truth though it ruin him, while another would transgress for a piece of bread, that it is foolish to continue a rule which takes as one invariable standard the assumption, that all men are equally likely to swear falsely if pecuniary interest is at stake. It is manifest that the rule itself proceeds from the same feeling that led men in the dark ages to shrink from inquiring for themselves into things theological, viz. the determination not to use one's own judgment, lest perchance he should be mistaken; for it comes to this, that the jurymen is to say, that, because the witness has a bias to mislead him, and because he may mislead him, therefore he will not merely guard himself in hearing him, by the use of great caution and suspicion, but will not hear him at all. And this rule it is gravely argued is adopted for the purpose of obtaining only the truth! At best it is but a negative sort of policy, a mode of possibly excluding falsehood; but it admits nothing; its whole tendency is to shut out; it may sometimes prevent a case from becoming entangled, but it never can clear one. It is impossible therefore to support it, on the ground of its tending generally to the elucidation of truth. To do that, it would be requisite to shew that, in *all* cases, interested witnesses would give false evidence, or else that, assuming them in some cases to speak the truth, the mischief to the elucidation of truth in the cases in which they would give false evidence, would greatly exceed the mischief of the truth being kept back, in those cases in which they would speak the truth. The first proposition is admitted to be without foundation, even by the most strenuous supporters of the rule of exclusion. As to the second, it is merely conjectural and fanciful; for how can we ascertain which way the balance of mischief lies, unless we know which are the cases where the witnesses will speak the truth, and which are the cases in which the truth kept back is important? It may happen, that, out of a hundred cases, the twenty in which the interested witnesses would speak the truth are just those in which the excluded evidence is important, and that the eighty in which they would follow the supposed general rule, and speak falsely, are those in which their evidence would be wholly unimportant? Indeed, let us turn the rule, and consider it as we will, it comes back to this, that if we will not hear all those who have evidence to give, it is impossible to know whether we most exclude or most extract the truth.

But further, let us see whether the supposed general tendency to speak falsely under the bias of interest does exist, to the extent at any rate to which it is assumed. In the common intercourse of business, we know that it is of every day's occurrence for men to make admissions prejudicial to their interests. What, for instance, is more common than for persons voluntarily to admit the existence of debts overlooked or forgotten by their

creditors? What again is more common, than for men to sacrifice their pecuniary interests to the bold declaration of their political opinions? In these and a multitude of other instances, we might find the constant practice of parties voluntarily giving evidence against their interests. And yet it is to be laid down as a general rule, that under the solemn pressure of an oath, and the not less vigorous pressure of the fear of temporal consequences, no man can be expected to tell the truth in the witness-box if his interest intervene!

It should not be forgotten also that the practice of the highest of our courts of justice is, and has always been, to examine interested witnesses. For what else is the practice in equity of examining the defendant himself? If a defendant be charged with a breach of trust or with any liability, surely he has a strong interest in denying it; yet his answer is for many purposes received as evidence; and that at least the elucidation of truth is not injured by this practice, is proved by the most undoubted fact that there is scarcely a hostile suit in equity, in which defendants are not found to admit some one or more points prejudicial to their interests, in other words, to give true evidence, although interested witnesses.

We do not of course contend for the application to *viva voce* examination of the principle of examining parties to the cause, but that is not because no truth can be expected from an interested witness, but because the effect of a rapid and unanticipated cross-examination is too oppressive upon the party examined; and though the practice in equity may not be any argument for extending examination to parties, it shews at least that much of the general belief in the impossibility of expecting the truth from an interested examinant, is unfounded.

### Review.

*A Letter to Sir F. Pollock on the Subject of Local Courts.*  
By HENRY MANISTY, Esq. [Sweet, 1843].

This is a short and unpretending pamphlet, containing some very useful practical observations on the measure now again in contemplation for establishing local jurisdictions for the administration of justice in matters of small amount. The general views of the author, like those of most lawyers, and we believe like the views rapidly increasing even among laymen, are opposed to the establishment of courts specifically confined to very petty matters.

"District Courts of Pleas, (says Mr. Manisty), possessing extensive jurisdiction, presided over by able judges, with efficient officers, and a well-regulated practice, could not fail to command public respect, and prove a blessing to the country; but no court, be its judges ever so able, its officers ever so efficient, its practice ever so well regulated, if it be crippled and confined in its jurisdiction, in a word, if it be merely a court for the recovery of small debts, can, for any length of time, command the respect of the public and the profession. Instead of being a blessing, such a court would soon prove a useless and expensive burden to the country." (See p. 4).

The author then discusses the various points that, in his opinion, ought to be attended to in constructing Local Courts, or, as he terms them, District Courts of Pleas.

With regard to the extent of district, he suggests the



they should not be confined to very small districts, but should extend over such districts, for instance, as have been adopted for the Country Bankruptcy Courts.

His next suggestion is, that not merely the new courts should have, as is proposed by the bill, power to try causes where the damage or debt is under 20*l.*, and other causes only by the agreement of the parties, but that their jurisdiction should be of the same nature, as to all civil matters, as that of the superior courts, limiting only the exercise of the jurisdiction to cases under 20*l.*, unless by the order of any judge of a superior court.

"Now, I would suggest, (he says, p. 6), though I do so with the greatest possible diffidence, that the District Courts of Pleas ought to have jurisdiction in all cases of a civil nature wherein the superior courts of common law have jurisdiction; but that the judges of the district courts should not be allowed to exercise it in cases where the debt or damages, or the value of the property sought to be recovered, exceeds 20*l.*, unless in pursuance of an order made by one or more of the judges of some of the superior courts (either of law or equity), or unless it be in some particular cases to be specified, such as granting an order to hold to bail a debtor about to leave the country, or the like.

"It is of great importance, not only to give parties the right to try, by consent or agreement, whatever actions they please in the district courts, but also to afford them the means of trying them satisfactorily with regard to the forms of pleading, and with regard to juries and counsel, and such a scale of costs as would enable them to reap the fruits of their judgments; without all of which it is not to be expected that the right would ever be exercised. These are points which do not appear to have received much, if any, consideration at the hands of the framers of the last bill.

"Again, it is scarcely of less importance that the judges of the superior courts should have the power to send cases exceeding 20*l.* for trial in the district courts, if they should think fit. In by far the greater number of actions on bills of exchange, promissory notes, bonds, mortgage-deeds, and the like, there is never any real defence; and pleas are pleaded purely for the sake of gaining time, which is too often turned to a fraudulent account. Surely, if it be right that an easy and speedy remedy should be afforded in cases where the debt is small, but the plaintiff's claim is bona fide disputed, it cannot be wrong to extend the same relief to cases where the debt is large, and there is obviously no defence.

"These several objects could be secured in a manner at once simple and effectual."

The author proposes to convert the County Clerks and Clerks of the Courts into a chief or district Registrar and deputy Registrars for the different courts, an alteration which he himself treats as one merely of name, but of which, if it were so, we should not see the value. We apprehend, however, that it would be more than a change of name in effect, and would be a good metamorphosis, because the change of name would be in some measure an advance in dignity. A Registrar sounds a much more respectable personage than a clerk, and would probably be attended to accordingly.

The last point on which Mr. Manisty offers any suggestions is the practice of the new courts; and here he proposes several alterations with regard to the forms of proceeding, and to the adoption of some forms, even in cases under 20*l.*, in which we fully coincide.

"Clauses 8 and 9," he says, (p. 12) "of the bill (as amended by the committee, and on recommitment last session) provide, that the judges of the County Courts shall make at least six circuits in every year, and that the County Clerk shall attend and hold each court. I would suggest, that the chief Registrar should make twelve circuits in every year, to give judgment in un-

defended cases, and to try actions where the debt or demand is under 10*l.* Probably it will be found that six circuits in every year will be enough for the judges to make, but if not they can easily be increased.

"Clause 43 provides, that all suits under the act shall be by plaintiff stating certain particulars; and that, upon such plaintiff being entered, a summons shall be issued and served. Clause 54 provides, that, on the day named in the summons, the plaintiff shall appear in person, or by some person on his behalf; and the defendant shall be required to answer the plaintiff; and on answer being made in court, (if the defendant appear), the court shall proceed in a summary way to try the cause and give judgment, without further pleadings or formal issue. Clause 56 provides, that a defendant shall be allowed to set off any debt or demand due to him from the plaintiff; or to set up by way of defence certain statutes, provided that 'no such defence' shall be admitted, unless a certain notice thereof be given. And clause 59 gives the judge power to try the cause in the absence of the defendant, if he does not appear.

"It is a very prevalent opinion in the profession, that this mode of proceeding is too lax, and in other respects defective. If a plaintiff is to be strictly confined (as he is by clause 55 of the bill) to the statement of his cause of action as contained in the summons, why should not a defendant also in all cases give a statement of his cause of defence, (if any), and be confined to it? and if a defendant have no defence, why should not the plaintiff have judgment by default, upon proof of the service of the summons? It seems to me, that the bill imposes too much upon a plaintiff in cases where there is no defence, and too little upon a defendant where there is one. As I read it, a defendant is not bound even to give notice of a set-off."

## London Gazettes.

TUESDAY, MARCH 21.

### DECLARATIONS OF INSOLVENCY.

THOMAS HUTCHINS, Andover, Southampton, common carrier, farmer, and dealer in hay and corn.

JOHN GOLLOP, DAVID REDMUND, and THOMAS KINGSWORTH, Charles-street, City-road, founders and hinge-makers.

### BANKRUPTS.

EDWARD MESSUM, Portsea, Southampton, brewer, March 28 at 12, and April 28 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Howard & Parnell, Portsea; Briggs & Son, 55, Lincoln's-inn-fields.—Fiat dated March 11.

JOHN FAIERS, Colchester, Essex, hair-dresser and perfumer, March 29 at 12, and April 28 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Cooper, Colchester; Bignold & Mawe, 4, New Bridge-street.—Fiat dated March 16.

WILLIAM HOPKINS, Farringdon-street, London, butcher, March 28 at 2, and May 2 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Redpath, St. Swithin's-lane.—Fiat dated March 17.

BENJAMIN GRAY, Acton-place, Kingsland, flour-factor, March 28 at 2, and May 3 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Surr, Lombard-street.—Fiat dated March 17.

HENRY JOLLEY, Castle Heddingham, Essex, tailor, March 28 and May 5 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Reynolds, Adam-street, Adelphi.—Fiat dated March 8.

THOMAS DURRANT and GEORGE BANKS, Wilmington, Kent, bakers, April 1 at 2, and May 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Colyer, Dartford; Young & Son, 29, Mark-lane.—Fiat dated March 9.



**CHARLES STANLEY MASTERMAN**, Croydon, Surrey, grocer, April 6 at half-past 12, and May 2 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Thompson & Co., Salter's-hall, Cannon-street.—Fiat dated March 16.

**GEORGE HERRING**, Rochdale, Lancashire, iron-founder, April 4 and 27 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Worthington, Manchester; R. M. & C. Baxter, Lincoln's-inn-fields.—Fiat dated March 13.

**PETER THOMAS BRADBURY**, Hembrough, Wakefield, Yorkshire, worsted manufacturer, April 3 and May 1 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Taylor & Westmorland, Wakefield.—Fiat dated March 10.

**JOHN WATKIN CULLIS**, Clun, Shropshire, chemist and druggist, April 6 and 27 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Griffiths, Bishop Castle, Shropshire; Slaney, Birmingham.—Fiat dated March 4.

**JAMES TAYLOR BRADLEY** and **WILLIAM BRADLEY**, Leeds, Yorkshire, ironmongers, April 5 and May 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Bradley, Leeds.—Fiat dated March 16.

**THOMAS BROWNLOW**, jun., Marton Port, Marton, Lincolnshire, maltster, corn and coal-merchant, April 4 and May 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Dudding & Danby, Lincoln; Dickinson, Leeds.—Fiat dated March 13.

**THOMAS BOOTH**, Gisborough, Cleveland, Yorkshire, inn-keeper, April 4 and May 2 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Pearne; Sols. Clarke & Trevor, Gisborough; Blackburn, Leeds.—Fiat dated March 14.

#### MEETINGS.

*Spencer Rogers*, Dale-hall, near Burslem, Staffordshire, earthenware manufacturer, March 31 at half-past 10, District Court of Bankruptcy, Birmingham, pr. d.—*John Overington*, Arundel, Sussex, plumber, April 4 at 12, Court of Bankruptcy, London, last ex.—*John Aplin*, Bicester, Oxfordshire, scrivener, March 28 at 11, Court of Bankruptcy, London, last ex.—*Simon Davis*, Church-lane, Whitechapel, Middlesex, linen-draper, March 27 at half-past 1, Court of Bankruptcy, London, last ex.—*John Adams*, George-st., Spitalfields, furniture dealer, March 30 at 11, Court of Bankruptcy, London, last ex.—*Alexander Winton*, David Winton, and *Jas. Webber*, Wood-street, Cheapside, warehousemen, March 29 at half-past 10, Court of Bankruptcy, London, last ex.—*Augustus Dietrich Brokowsky*, High-street, Wapping, ship-chandler, April 4 at 11, Court of Bankruptcy, London, last ex.—*Margaret Edmonds*, Park-place, and Arlington-street, St. James's, Middlesex, and Herne-hill-cottage, Herne-hill, Surrey, boarding, lodging-house, and hotel-keeper, April 12 at 11, Court of Bankruptcy, London, last ex. and aud.—*John Sparkham*, Troston, Suffolk, miller, March 31 at 1, Court of Bankruptcy, London, last ex.—*Wm. Cock*, Buggay, Suffolk, grocer, March 24 at 11, Court of Bankruptcy, London, last ex.—*Thomas Gooch*, Dalston-terrace West, near Kingland-gate, and Whitechapel-road, timber-merchant, March 28 at 12, Court of Bankruptcy, London, last ex.—*Hen. Hilton*, Over Darwen, Lancashire, bleacher, April 12 at 11, District Court of Bankruptcy, Manchester, last ex.—*Thos. Jones*, Liverpool, coal-dealer, April 20 at 12, District Court of Bankruptcy, Liverpool, last ex.—*Jas. S. Eliffe*, Lombard-street, and South-crescent, Bedford-square, chronometer-maker, April 13 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Samuel Parker*, Egyptian-hall, Piccadilly, lamp manufacturer, April 15 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Woods*, sen., and *Wm. Woods*, jun., Newgate-street, London, general hardwaremen, April 13 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Sead Gowing*, Lowestoft, Suffolk, grocer and general shopkeeper, April 13 at 1, Court of Bankruptcy, London, aud. ac.—*John Press Howard*, Attlebridge, Norfolk, maltster, April 13 at 12, Court of Bankruptcy, London, aud. ac.—*R. Rendell*, Newton Abbott, Devonshire, draper, April 11 at half-past 12, Court of Bankruptcy, London, aud. ac.; April 12 at 11, fin. div.—*Arch. Thomson*, Leadenhall-st., merchant, April 11 at half-past 1, Court of Bankruptcy, London, aud. ac.; April 12 at half-past 11, div.—*Edw. Bailey*, Mount-st., Grosvenor-square, upholsterer, April 10 at 3, Court of Bankruptcy, London, aud. ac.; April 11 at 12, div.—*Alexander Winton*, Dav. Winton, and *James Webber*, Wood-st., Cheap-

side, warehousemen, April 10 at half-past 2, Court of Bankruptcy, London, aud. ac.; April 11 at 1, div.—*Jer. Gillman*, Stewkley, Buckinghamshire, grocer, April 10 at 2, Court of Bankruptcy, London, aud. ac.—*Benj. Coles*, Olney, Buckinghamshire, tea dealer, April 13 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Thomas Ball*, West-street, Soho, licensed victualler, April 11 at 2, Court of Bankruptcy, London, aud. ac.; April 12 at 12, div.—*Charles Mills Nicholson*, New Corn Exchange, Mark-lane, London, and Dock-head, Bermondsey, Surrey, corn merchant, April 11 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. Castle*, Newbury, Berkshire, horse dealer, April 12 at 12, Court of Bankruptcy, London, aud. ac.—*G. Hood*, Brownhills, Burslem, Staffordshire, earthenware manufacturer, April 12 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Mark Pearson*, Workington, Cumberland, chemist, April 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Reay*, Walker, Northumberland, ship builder, April 12 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Rob. Lamb*, Stockton, Durham, iron merchant, April 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 12 at 1, fin. div.—*Thos. Walker*, Haughton-le-Skerne, Durham, grocer, April 11 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 12 at 12, div.—*Chas. Carr*, Heaton Norris, Stockport, Lancashire, cotton manufacturer, April 11 at 1, District Court of Bankruptcy, Manchester, aud. ac.; April 12 at 1, div.—*John P. Clarke* and *O. Lewis*, Crown-court, Threadneedle-street, newspaper agents, April 11 at 1, Court of Bankruptcy, London, div.—*Thos. Bignell*, Chatham, Kent, linen draper, April 11 at 12, Court of Bankruptcy, London, div.—*Thos. Clarke*, Rugby, Warwickshire, mercer, April 19 at half-past 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause shown to the contrary.*

*John Bromwell*, Northampton, builder, April 11 at 3, Court of Bankruptcy, London.—*Fred. Cuthbush*, Kennington, near Ashford, Kent, seedsman, April 11 at half-past 11, Court of Bankruptcy, London.—*Geo. Hen. Harrison*, Moorgate-street, London, April 11 at 2, Court of Bankruptcy, London.—*S. Jupp*, Littlehampton, Sussex, corn merchant, April 11 at half-past 1, Court of Bankruptcy, London.—*Thos. Feaver*, Ludgate-hill, mercer, April 11 at 2, Court of Bankruptcy, London.—*Jas. Warner*, Bedford, linen draper, April 11 at 2, Court of Bankruptcy, London.—*John Batsone*, Tooley-street, Southwark, builder, April 15 at half-past 1, Court of Bankruptcy, London.—*William Ward Harvey*, sen., and *William Ward Harvey*, jun., Mansfield, Nottingham, coach makers, May 2 at 12, District Court of Bankruptcy, Leeds.—*Samuel Highfield*, Birkenhead, Chester, merchant, April 12 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Eyre*, Gainsborough, Lincolnshire, corn merchant, April 24 at 11, District Court of Bankruptcy, Leeds.—*Thomas Holland*, Birmingham, iron-tube manufacturer, April 17 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. Webb*, Liverpool, ironmonger, April 13 at 12, District Court of Bankruptcy, Liverpool.—*James Gordon*, Liverpool, merchant, April 13 at 12, District Court of Bankruptcy, Liverpool.—*George Goulden*, Liverpool, wine and spirit dealer, April 13 at 11, District Court of Bankruptcy, Liverpool.—*John Walker*, Hayfield, Derbyshire, grocer, April 12 at 11, District Court of Bankruptcy, Manchester.—*John Bancroft*, Salford, Lancashire, grocer, April 12 at 12, District Court of Bankruptcy, Manchester.—*William Whitmore*, Stockport, Cheshire, watch manufacturer, April 11 at 1, District Court of Bankruptcy, Manchester.—*Tristram Ridgway*, Huddersfield, Yorkshire, April 11, Court of Bankruptcy, London.—*George Bradshaw*, Welshpool, Montgomeryshire, draper, April 11, Court of Bankruptcy, London.—*John Wade*, Plymouth, Devonshire, grocer, April 11, Court of Bankruptcy, London.—*Thos. Manning*, High-street, Camden-town, grocer, April 11, Court of Bankruptcy, London.—*Edmd. R. Dawson*, Gracechurch-street, wholesale ironmonger, April 11, Court of Bankruptcy, London.—*Walter Bilton*, jun., Kingston-upon-Hull, wine merchant, April 11, Court of Bankruptcy, London.—*J. Holland*, Chipping Wycombe, Buckinghamshire, cordwainer, April 11, Court of Bankruptcy, London.—*J. Buckley*, Manchester, dealer in cotton twist, April 11, Court of Bankruptcy, London.—*John Thompson*, Blackburn, Lancashire, powerloom cloth manufacturer, April 11, Court of Bankruptcy, Lon-

don.—*Sam. Parker*, Egyptian Hall, Piccadilly, lamp manufacturer, April 11, Court of Bankruptcy, London.—*Wm. H. Brewer*, Ramsgate, Kent, bookseller, April 11, Court of Bankruptcy, London.—*Geo. Chiles*, Hart-street, Bloomsbury, apothecary, April 11, Court of Bankruptcy, London.—*Ch. Jones*, Grecian Hotel, Devereux-st., Strand, hotel and tavern keeper, April 11, Court of Bankruptcy, London.—*Samuel Brown*, Liverpool, millwright, April 11, Court of Bankruptcy, London.—*Jos. Baker*, Birmingham, timber merchant, April 11, Court of Bankruptcy, London.—*Edward Swinburne*, Birmingham, timber merchant, April 11, Court of Bankruptcy, London.—*Wm. G. Wilde*, Ross, Herefordshire, tanner, April 11, Court of Bankruptcy, London.—*Hen. Dartnall*, Cam, Gloucestershire, clothier, April 11, Court of Bankruptcy, London.—*John Leather*, Queen's-row, Pentonville, builder, April 11, Court of Bankruptcy, London.—*J. Ashe, jun.*, Stockport, Cheshire, cotton spinner, April 11, Court of Bankruptcy, London.—*Jas. Hilker*, Lymington, Southampton, innkeeper, April 11, Court of Bankruptcy, London.—*Wm. H. Cooper* and *Henry Ayre*, Manchester, Lancashire, and Monkton, near Belfast, Astrim, Ireland, calico printers, April 11, Court of Bankruptcy, London.

## FIAT ANNULLD.

*Saml. Presland* and *Henry John Osbaldiston*, Castle-court, Lawrence-lane, warehousemen.

## PARTNERSHIPS DISSOLVED.

*John Boys* and *John H. Boys*, Margate, Kent, attorneys and solicitors.—*Jos. Higginbottom*, *Wm. Buckley*, and *J. Lord*, Ashton-under-Lyne, solicitors.—*John H. Tristram* and *S. C. Herdy*, Philpot-lane, City, attorneys at law and solicitors.

## SCOTCH SEQUESTRATIONS.

*Joseph Bell*, Torbane, Bathgate, farmer.—*James Hunter*, Bathgate, ironmonger.—*H. A. Galbraith*, Dalbeth, near Glasgow, surgeon.—*Thos. Duff*, Upper Mill, Pitcairn, Perthshire, fax spinner.—*G. Miller*, Dundee, writer, deceased.

## INSOLVENT DEBTORS.

Saturday, March 18.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-in-fields, on giving the Number of the Case.*

*Joshua Wilkinson*, Freebodys, Dudley, Worcestershire, anvil manufacturer, No. 62,057 C.; *John Wilson*, assignee.—*Joseph Wilkinson*, Freebodys, Dudley, Worcestershire, anvil manufacturer, No. 62,058 C.; *John Wilson*, assignee.—*Geo. Fletcher*, Aston Magna, Blockley, Worcestershire, labourer, No. 62,020 C.; *Wm. Fletcher* and *Richard Fletcher*, assignees.—*Wm. Fletcher*, Aston Magna, Blockley, Worcestershire, labourer, No. 62,042 C.; *Wm. Fletcher* and *Richard Fletcher*, assignees.—*Thomas Common*, Gateshead, Durham, surgeon, No. 62,075 C.; *Henry Clark*, assignee.—*George Turner*, Gilberdyke, near Saddlethorpe, Howden, Yorkshire, publican, No. 61,893 C.; *Robt. Ripplingham*, assignee.—*D. Jones*, Llanrhyddid, Cardiganshire, victualler, No. 9538 C.; *R. M. Philipps*, assignee.—*Geo. Wright*, Newcastle-upon-Tyne, common brewer, No. 62,053 C.; *S. Pilling*, assignee.—*Thos. Ingram*, jun., Blackburn, Lancashire, cabinet maker, No. 61,456 C.; *Thos. Duckworth*, assignee.—*Saml. Barley*, Stamford-hill, Middlesex, bricklayer, No. 54,152 T.; *John Brooks*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, April 11 at 9.*

*Jas. Mitchell*, Exmouth-st., Spa-fields, tailor.—*John Parsons*, London-road, Surrey, out of business.—*Thos. Traman*, Cromwell-lodge, Cromwell-lane, Old Brompton, out of business.—*Richard Pitcher*, Kingston-upon-Thames, Surrey, and Clifford's-inn, London, accountant.—*Fred. Hayes*, Charles-street, Hatton-garden, Holborn, attorney's clerk.—*Hen. Narwey*, Frederick-place, Seven Sisters'-road, Holloway, bricklayer.—*Wm. Barwick*, St. James's-buildings, Rosmond-st., Clerkenwell, carver and gilder.—*Richard Harding*, Wreclesham, Surrey, labourer.—*J. Hudson*, Anchor-terrace, Southwark-bridge-road, Southwark, lead merchant's clerk.—*Thos. Oak*, Jewin-crescent, Aldersgate-st., butler.

## Adjourned.

*Wm. B. Jones*, Little Queen-st., Holborn, surgeon dentist.

April 12, at the same hour and place.

*Chas. Letchford*, King-st., Hammersmith, tea dealer.—*J.*

*Bangh*, Crescent-st., Easton-square, tailor.—*John Brown*, Bishopsgate-street Without, out of business.—*J. W. Gillett*, Deaton-st., St. Pancras, dyer.—*John Trevis*, Penton-place, Waltham, Surrey, printer's reader.—*Edward Martin*, Great George st., Bermondsey, Surrey, general agent.—*J. Riddick*, Lambeth-walk, Lambeth, Surrey, baker.—*Wm. Clay*, Holly-bush-place, Bethnal-green-road, policeman.—*Henry Worthy*, White Lion-street, Norton Folgate, traveller.—*Jas. Hodge*, Windsor-st., Widgegate-st., Bishopsgate, out of business.

April 13, at the same hour and place.

*G. J. R. J. Dickinson*, Ealing, Middlesex, surgeon.—*Wm. Warne*, South-street, Southampton street, Camberwell, carpenter.—*Joseph Smith*, Ward-street, Lambeth, Surrey, superannuated excise officer.—*Jas. Greenacre*, Belvedere-place, Southwark, carpenter.—*James Stapleton Shalders*, Hill-st., Finsbury, bookbinder.

Court-house, STAFFORD, (County), April 11 at 10.

*Wm. Nixon*, sen., Burslem, grocer.—*John Garner*, Yoxall, surgeon.—*John Onions*, Kingswinford, potter.—*Wm. Gold*, Kingswinford, butcher.—*Joseph Sparrow*, Wolverhampton, licensed victualler.—*Thomas Hall*, Fulford, near Stone, licensed victualler.—*Alexander Remington*, Rugeley, out of business.—*John Maybury*, Wednesfield-beath, Wolverhampton, out of business.—*Thomas Hallam*, Longton, Stoke-upon-Trent, grocer.—*Chas. E. Gwinnett*, Wolverhampton, provision dealer's clerk.—*David Skellett*, Aldridge, near Walsall, grocer.—*Thos. Gold*, Kingswinford, greengrocer.—*J. Adkins*, Langton, Stoke-upon-Trent, clock maker.—*Thomas Grimes*, Forebridge Castle Church, near Stafford, labourer.—*William Charley*, Westbromwich, alater.—*William Webb*, Darleston, miner.—*Henry Smith*, Ockher-hill, near Tipton, farmer.—*E. Evans*, Wednesbury, Darleston, wheelwright.—*Thos. Walker*, Newcastle-under-Lyme, commission-agent.—*T. Lets*, Stafford, dealer in cheese.

Court-house, EXETER, (City), April 11 at 10.

*Nicholas Strong*, Exeter, out of business.—*James Loran*, Exeter, brush manufacturer.—*James Burnett*, Exeter, labourer.—*Wm. Crabb*, Exeter, and Okehampton, innkeeper.

Court-house, EXETER, Devonshire, April 11 at 10.

*F. A. Phillips*, Devonport, newspaper reporter.—*John T. Brabant*, Lustleigh, out of business.—*Fred. W. Bonter*, Devonport, naval instructor.—*Wm. Bale*, Linton, shoemaker.—*Chas. Wills*, Topsham, out of business.—*Rich. Knight*, Linton, out of business.—*Richard Sweet*, Newton Abbot, saddler.—*George Pike*, Starcross, Kenton, out of business.—*Jos. Reeve*, Lolesbury Farm, Newton Ferrers, farmer.—*T. Baker*, jun., Lymptone, innkeeper.—*George Dasher*, Torquay, Tormoham, carpenter.—*Wm. Williams*, Devonport, hardware dealer.—*George White*, Barnstaple, hatter.—*E. F. Wright*, late of the barque Alicia, from London to Port Phillip, Sidney, New South Wales, mariner.—*L. H. Green*, Bridport-harbour, Dorsetshire, and Stiford, Stogursey, Somersetshire, surveyor.—*Edwin Hodge*, Plymouth, coach body trimmer.—*R. Dart*, Oppedore, Northam, ironmonger.—*George Pedler*, Barnstaple, innkeeper.—*Thomas Bryant*, Barnstaple, joiner.

## INSOLVENT DEBTORS' DIVIDENDS.

*Thos. Alex. Stenson*, Leicester, stationer, at Berridge & Macaulay's, Leicester: 1s. 7d. in the pound.—*L. P. Sabery*, clerk in the Controlling Surveyor's Department of the Custom-house, March 20, M'Duff's, Castle-street, Holborn: 1s. 1½d. in the pound (in addition to others of 5s. 4d.).—*W. England*, Maidstone, grocer, at Mr. Dally's, Maidstone: 2½d. in the pound.—*Robt. Edwards*, Rugeley, Staffordshire, ironfounder, at Hall's, Stafford: 9d. in the pound.

## FRIDAY, MARCH 24.

## BANKRUPTS.

THOMAS HAWKINS, St. John-street, Smithfield, carrier, April 4 and May 1 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Nicoll, Middle Temple-lane.—Fiat dated March 17.

EDWARD TURMAINE, Canterbury, porter and ale merchant, April 4 at 11, and May 5 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Barron & Cullen, Bloomsbury-sq.—Fiat dated March 18.

JOHN KIRBY, Brooksby-street, Islington, victualler, April 4 at 2, and May 5 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Cox, Sise-lane.—Fiat dated March 15.

**JAMES GIBBS**, Jermyn-street, St. James, Westminster, scrivener, and bill broker, April 8 at half-past 11, and May 5 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Savage, 8, Henrietta-street, Covent-garden.—Fiat dated March 11.

**JOHN CROSIER HAWDON**, Three Nuns-court, Aldermanbury, London, and Canonbury-villas, Islington, commission agent, April 7 at half-past 1, and May 5 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Fisher, 4, Serjeants'-inn, Temple.—Fiat dated March 22.

**JAMES CHARD**, Taunton St. Mary Magdalen, Bristol, corn factor and seed dealer, April 11 and May 9 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Dommett & Adney, Chard, Somersetshire; Church, Bedford-row, London.—Fiat dated March 20.

**SAMUEL TUCKER**, Exeter, carrier, April 6 at 2, and May 4 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sol. Terrell & Roberts, Exeter.—Fiat dated March 21.

**THOMAS FLETCHER**, Loscoe, Derbyshire, grocer, April 8 at half-past 12, and April 29 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Jessop, Alfreton.—Fiat dated March 18.

**JAMES MEADOWS**, Wavertree, near Liverpool, miller, April 13 at 2, and May 2 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Booker, Liverpool; Holme & Co., New-inn.—Fiat dated March 21.

**JOHN LUCY**, jun., Liverpool, tailor and draper, April 7 at 11, and May 5 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Francis & Dodge, Liverpool.—Fiat dated March 21.

**SAMUEL DANKS**, Wednesbury, Staffordshire, screw and nail manufacturer, April 7 at half-past 10, and April 25 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Danks, Birmingham.—Fiat dated March 18.

**JOHN HESLOP**, Morpeth, Northumberland, grocer, April 8 and May 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Charlton, Morpeth; Crosby & Compton, Church-st., Old Jewry, London.—Fiat dated March 15.

**JOHN ANDERSON**, Aigburth, Lancashire, plumber and painter, April 6 at 11, and April 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Aveson & Pritt, Liverpool; Chester & Toulmin, Staple-inn.—Fiat dated March 18.

#### MEETINGS.

*Jas. Marcus Frames*, Gosport, Southampton, grocer, April 6 at half-past 11, Court of Bankruptcy, London, last ex.—*J. H. Jones*, Manchester, spirit-merchant, April 21 at 11, District Court of Bankruptcy, Manchester, last ex.—*Wm. Denver* and *Wm. Nissey*, Liverpool, woollen-draper, April 13 at 1, District Court of Bankruptcy, Liverpool, last ex.—*Walter Oliver*, Maidstone, Kent, upholsterer, April 22 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. Crabb Knight*, Great Suffolk-street, Southwark, builder, April 22 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Edmund F. Green*, Leadenhall-street, merchant, April 18 at 1, Court of Bankruptcy, London, aud. ac.—*Thos. Joyce*, Bristol, woollen-draper, April 24 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*T. Hyatt*, Shepton Mallett, Somersetshire, scrivener, April 24 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Wm. Trubridge*, Swindon, Wiltshire, grocer, April 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*J. Heap*, jun., Manchester, merchant, May 9 at 11, District Court of Bankruptcy, Manchester, aud. ac.; May 10 at 11, div.—*David Holt*, Manchester, broker, April 25 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Hen. Cridland*, Totnes, Devonshire, saddler, April 19 at 11, District Court of Bankruptcy, Exeter, aud. ac.—*Peter Blatchford*, Plymouth, Devonshire, miller, April 19 at 12, District Court of Bankruptcy, Exeter, aud. ac.; April 20 at 12, div.—*Robt. Goodenough*, Newton Abbott, Devonshire, woollen-draper, April 19 at 1, District Court of Bankruptcy, Exeter, aud. ac.; April 20 at 1, div.—*Benjamin Coles*, Olney, Buckinghamshire, tea-dealer, April 17 at half-past 2, Court of Bankruptcy, London, div.—*Philip Walters* and *Morgan Llewellyn*, Neath, Glamorganshire, timber-merchants, April 21 at 11, District Court of Bankruptcy, Bristol, div. joint and sep. est.

#### CERTIFICATES

To be allowed, unless Cause shown to the contrary.

*John Wardle*, Griffin-street, Shadwell, ship owner, April

15 at half-past 12, Court of Bankruptcy, London.—*Hugh White*, Topsham, Devonshire, builder, April 20 at 12, District Court of Bankruptcy, Exeter.—*Wm. Tompson*, Lytchet Minster, Dorsetshire, merchant, April 21 at 12, District Court of Bankruptcy, Exeter.—*Josiah George Jones*, Bridgewater, Somersetshire, dealer in musical instruments, April 19 at 11, District Court of Bankruptcy, Exeter.—*Jos. Drew*, jun., Weymouth and Melcombe Regis, Dorsetshire, grocer, April 21 at 12, District Court of Bankruptcy, Exeter.—*Thos. Joyce*, Bristol, woollen draper, April 21 at 12, District Court of Bankruptcy, Bristol.—*Edwd. Davis*, Bath, architect, April 20 at 11, District Court of Bankruptcy, Bristol.—*Chas. Ferris*, Bristol, victualler, April 19 at 1, District Court of Bankruptcy, Bristol.—*John Johnson*, Coventry, ribbon manufacturer, April 19 at 12, District Court of Bankruptcy, Birmingham.—*John P. Cottrill*, Worcester, grocer, April 19 at 1, District Court of Bankruptcy, Birmingham.—*George Cotten*, Leeds, wine merchant, May 8 at 11, District Court of Bankruptcy, Leeds.—*Stephen Law*, Great Portland-st., St. Mary-le-bone, upholsterer, April 14, Court of Bankruptcy, London.—*Wm. I. Welsh*, Great Queen-street, Lincoln's-inn-fields, and Wells, Somersetshire, common brewer, April 14, Court of Bankruptcy, London.—*Hen. Thos. Newton*, Derby, liquor merchant, April 14, Court of Bankruptcy, London.—*Wm. T. Grant*, New Crane Iron-works, Wapping-wall, engineer, April 14, Court of Bankruptcy, London.—*Chas. M. Nicholson*, New Corn Exchange, Mark-lane, and Dock-head, Surrey, corn merchant, April 14, Court of Bankruptcy, London.—*Peter Bould*, Ovenden, Halifax, Yorkshire, cotton spinner, April 14, Court of Bankruptcy, London.—*Wm. Robinson*, Stones, near Todmorden, Rochdale, Lancashire, woollen manufacturer, April 14, Court of Bankruptcy, London.—*James Hoskins*, Croscombe, Somersetshire, baker, April 14, Court of Bankruptcy, London.—*Wm. Smith*, Leeds, Yorkshire, dealer and chapman, April 14, Court of Bankruptcy, London.—*John Davies*, Wellington, Shropshire, plumber, April 14, Court of Bankruptcy, London.—*John Tyefinch*, Shrewsbury, Shropshire, chemist, April 14, Court of Bankruptcy, London.—*D. Holt*, Manchester, broker, April 14, Court of Bankruptcy, London.—*Jas. S. Eiffe*, Lombard-street, and South-crescent, Bedford-square, chronometer maker, April 14, Court of Bankruptcy, London.—*Geo. Beale Brown*, Liverpool, commission merchant, April 14, Court of Bankruptcy, London.—*Edwd. Barker*, jun., Woodhouse Carr, Leeds, Yorkshire, dyer, April 14, Court of Bankruptcy, London.—*Chas. Kenrick* and *Jas. Parke*, Liverpool, tailors, April 14, Court of Bankruptcy, London.—*Henry Clark*, Bridgewater, Somersetshire, linen draper, April 14, Court of Bankruptcy, London.—*Charles Marshall*, Old Castle-street, Whitechapel, brewer, April 14, Court of Bankruptcy, London.—*Hen. Herrick*, Fountain, St. George's-road, Southwark, Surrey, licensed victualler, April 14, Court of Bankruptcy, London.—*John Linskill*, Bridlington, Yorkshire, schoolmaster, April 14, Court of Bankruptcy, London.—*Thos. Geo. Martin*, Great Winchester-street, Old Broad-street, wine merchant, April 14, Court of Bankruptcy, London.

#### FIATS ANNULLED.

*Henry James Smith*, Globe-wharf, Surrey-canal, Old Kent-road, coal-merchant.—*Giles James Newton*, Leicester-square, Westminster, draper.

#### PARTNERSHIP DISSOLVED.

*Chas. H. Clarke* and *Henry Wells*, Nottingham, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*James Webster*, Cupar, banker.—*Wm. Allan*, Rutherglen, victualler.—*Kenneth M' Rae & Son*, Inverness, drapers.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—

Court-house, DORCHESTER, Dorsetshire, April 15 at 10.  
*John Northover*, Holt, horse-breaker.—*Silas Durrant*, Bishop's Caundle, tailor.

Court-house, SHREWSBURY, Shropshire, April 15 at 10.  
*Theodore Lloyd*, Hodnet, near Market Drayton, timber-dealer.—*Wm. Miskard*, Newport, plumber.—*Richard Griffiths*, Hoo, near Wellington, carpenter.—*John Price*, Wellington, miner.—*William Higgins*, Wem, cattle-driver.—*Robert Joynton*, Albrighton, Shifnal, Shropshire, out of business.—

*George Bishton*, Donnington, estate agent.—*Richard Hance*, Ladlow, auctioneer.—*Theo. Palin*, Himstock, timber carrier.—*Wm. Bennett*, Horton, Wellington, labourer.—*Jos. Evans*, Cockshott Piece, Wrockwardine Ward, labourer.—*Robt. Coton*, Wellington, blacksmith.—*John Owens*, Dawley-bank, miner.—*Theo. Richards*, Eyrton, on the Wildmoors, near Wellington, wheelwright.

#### INSOLVENT DEBTORS' DIVIDENDS.

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#### MEETING.

*Thomas Taylor*, Lidbrooke, near Ross, Gloucestershire, carpenter, April 20 at 12, Collins's, Ross, sp. affairs.

The Queen has been pleased to appoint William Furlong, Esq., to be her Majesty's Attorney-General, and William Daune, Esq., to be her Majesty's Solicitor-General, in British Guiana.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*Richard Rackham*, of Norwich; *Thomas Grimsey*, of Ipswich, Suffolk; *Abraham Barbary Herbert*, of Coventry; *William White* of Mortenhamstead, Devonshire.

**MEMBERS RETURNED TO SERVE IN PARLIAMENT.**—*James Matheson*, Esq., for the borough of Ashburton, in the room of *William Jardine*, Esq., deceased.—*Charles Newdegate Newdegate*, Esq., for the county of Warwick, (Northern Division), in the room of *Sir John Eardley Eardley Wilmot*, Bart., who has accepted the office of Lieutenant Governor of the Colony of Van Diemen's Land.—*John Salusbury Trelawny*, Esq., for the borough of Tavistock, in the room of *John Rundle*, Esq., who has accepted the Chiltern Hundreds.—The Right Hon. *Thomas Berry Cusack Smith*, her Majesty's Attorney-General for Ireland, for the borough of Ripon, in the room of *Thomas Pemberton*, Esq., who has accepted the Chiltern Hundreds.—*Fitzroy Kelly*, Esq., for the borough of Cambridge, in the room of *Sir Alexander Cray Grant*, Bart., who has accepted the office of steward of the manor of Ponynga.

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# The Jurist

No. 325.

APRIL 1, 1843.

With Supplement, 2s.

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LONDON, APRIL 1, 1843.

A case has recently been decided on the subject of marshalling as between mortgagees, (*Barnes v. Racster*, 1 You. & C. N. C., 401), in which the point that occurred appears to have been hitherto untouched by direct authority\*. The case was this: Racster having two estates, one called Foxhall, and the other called in the plan of the estate, and in the arguments, No. 32, mortgaged in 1792, Foxhall to one Barnes; next, in 1795, he mortgaged Foxhall (alone) to Hartwright, with notice of the mortgage to Barnes. The next transaction was in 1800; a mortgage of Foxhall together with No. 32 to Barnes, with notice of the mortgage to Hartwright to secure further advances, in such manner as to make both estates liable each to the whole of Barnes's two advances. And, lastly, Foxhall and No. 32 were mortgaged in 1804 to Williams, with notice of the former transactions.

In a suit of foreclosure, it appeared that all the mortgages could not be paid in full. Foxhall alone would not be sufficient to pay the first charge (of Barnes) upon it; but No. 32 alone was sufficient to pay the whole of Barnes's charges; and the question was, whether Hartwright, the second mortgagee, had a right, on the principle of marshalling, to throw Barnes on No. 32, so as to leave Foxhall for him, whereby the subsequent mortgagee, Williams, would be excluded; or whether Barnes was to be paid rateably out of Foxhall and No. 32, leaving the residue of Foxhall to pay Hartwright, and the residue of No. 32 to pay Williams. The question was, therefore, as we understand it, in effect this: whether, if a second mortgagee would have, as against the first mortgagee, a right to marshal, if a suit were instituted, that right is prejudiced by a subsequent

mortgage made before suit with notice of the claims of the second mortgagee. And the case of *Barnes v. Racster* has decided that such right to marshal is so prejudiced. It is true that on this question, viz. whether the second mortgagee Hartwright would have had, if there had been no fourth mortgage to Williams, a right to throw the first mortgagee Barnes on No. 32, his Honor the Vice-Chancellor Knight Bruce expressly guarded himself against giving any opinion. That he would have had such right admits, however, we apprehend, of no doubt. In *Lanoy v. Duke of Atholl*, (2 Atk. 446), Lord Hardwicke, stating the rule as established, that a party having two funds for his payment, shall resort to that which will leave the other for payment of other creditors, puts precisely the case of two mortgagees: "Suppose," he says, "a person who has two real estates, mortgages both to one person, and afterwards only one estate to a second mortgagee, who had no notice of the first, the court, in order to relieve the second mortgagee, has directed the first to take his satisfaction out of that estate only which is not in mortgage to the second mortgagee, if that is sufficient to satisfy the first mortgage, in order to make room for the second mortgagee, even though the estates descended to two different persons." This doctrine is confirmed by Lord Eldon in *Aldrich v. Cooper*, (8 Ves. 381), in which his Lordship refers to the principle as settled, that a person having two funds shall not by his election disappoint the person who has only one, putting many cases where that principle would be acted upon. It is true, that the case put by Lord Hardwicke is not precisely in its circumstances that of *Barnes v. Racster*; as in the latter case, Hartwright had clearly, before the second mortgage to Barnes, no charge of any kind except upon Foxhall, and therefore if he could not be paid out of that, subject to Barnes's mortgage, he could not be paid at all. Lord Hardwicke also introduces the circumstance of the second mortgagee having no notice of the first; but we appre-

\* The somewhat intricate case of *Hartly v. O'Flaherty* (1 L. & G. Cas. Temp. Plunkett, p. 208) seems however to have a strong bearing on the point.

hend that neither of these differences affects the application of the doctrine, which is put by Lord Eldon in *Aldrich v. Cooper*, on the single principle of there being a double fund; for his Lordship remarks, in p. 391 of that case, in reference to marshalling *assets*, that that word is frequently used; yet when you come to look at the case of marshalling, though the term so frequently occurs, the operation is on the principle that the party has a double fund. On this principle, therefore, the two differences noticed seem immaterial, because the argument is not, that, by Barnes taking a further security, Hartwright acquired any charge on or interest in that security, but that Barnes by thus acquiring a double fund became bound (as between him and Hartwright) to discharge that fund on which Hartwright had his lien, and his only lien.

We apprehend therefore, that, without loading these observations with a reference to a multitude of other authorities, we may assume, that as between the first incumbrancer Barnes and the second Hartwright, if the charge of Williams had not existed, the claim of Hartwright to throw Barnes on the estate No. 32 would have been undoubted, on the sole principle that Barnes had the two estates to resort to, and Hartwright had but one.

The point however determined in *Barnes v. Racster* is, that, whatever might have been the right of Hartwright as between him and Barnes, such right could not be exercised to the prejudice of a subsequent creditor. The ground on which his Honor the Vice-Chancellor puts his decision appears to be this, that Hartwright never had any right in the estate No. 32, or any equity against the mortgagor to prevent his dealing with it. "Could not," he says, in p. 409 of the Report, "could not Barnes and Racster (the mortgagor) at any time after 1800, as against Hartwright, have sold or mortgaged No. 32 separately to a stranger, though without notice, leaving Foxhall charged as it was in 1795, and leaving Hartwright in the same situation as if the security of 1800 had never existed? If Barnes and Racster could have done this as against Hartwright, why should not Racster be able as against Hartwright to do so?"

The principle flowing from his Honor's language and decision, as it appears to us, is, therefore, that, as before the institution of any suit, the right of alienation remains in the mortgagor as to all that is not mortgaged by him, or in the mortgagor and first mortgagee as to all that is in them, the right of marshalling does not apply so as to destroy the effect of any such alienation, by touching the subject of it, although made with notice.

On the latter point there are two cases, which were not cited in *Barnes v. Racster*, and which are not easily reconcilable with it. In *Hamilton v. Royse* (2 Sch. & Lef. 315) it was held, that a purchaser with notice is bound by all the equities to which the vendor is subject, and consequently, that a purchaser of an estate A. under a deed, by the equitable operation of which incumbrances affecting estate B. were to be made good out of estate A., took subject to those incumbrances. And Lord Chancellor Redesdale referred to a case before Lord Hardwicke, where A. made a settlement on his marriage of an estate charged with his debts, in considera-

tion of his wife's portion charged on estate B. The husband died, having aliened the portion by way of mortgage. After his death his widow filed a bill to have the portion still subsisting as a charge on estate B., applied to discharge the incumbrances on the settled estate; and the Lord Chancellor held, that the husband's title to the portion being under the settlement, the mortgagee took it, subject as the husband had it, to the equity of the objects of the settlement, to have it applied in discharging the settled estate, on this ground, that whoever takes under an instrument must affirm it in all its parts. (*Harvey v. Ashley*, cited 2 Sch. & Lef. 327).

Now, if before and until the alienation to Williams in *Barnes v. Racster*, Hartwright had a title to marshal, that title was itself an equity, which seems not to be easily distinguishable from the equities in the two cases just mentioned; and Williams having notice of it, would, upon those authorities, take subject to it.

It is also to be observed, that a determination contrary to that at which his Honor arrived, would not at all be inconsistent (if the principle of marshalling be as it is stated in *Aldrich v. Cooper*) with his Honor's opinion, that the mortgagor or the mortgagee and Barnes had power to alienate the estate No. 32, subject only to the rights of Barnes upon it; because the doctrine of marshalling does not touch the question in whom any estate is vested: it does not affect to confer on the second mortgagee any right in the nature of title to or over the estate not vested in him; but merely to compel in the first mortgagee a selection between two estates which are vested in him. Barnes had clearly at any time a right to pay himself out of whichever estate he thought fit; Williams therefore could not take otherwise than subject to that right; and if the Court had determined that Hartwright was entitled to throw Barnes on the estate No. 32, it would not at all have determined anything inconsistent with the statement of his Honor, that Racster had a right to aliene No. 32 to Williams, subject only to the rights of Barnes.

The doctrines on which the decision of this case rests are of considerable importance and of frequent application; and as we are not aware of the authorities being anywhere collected on the entire subject, we shall endeavour to take an early opportunity of discussing them in the pages of THE JURIST.

#### NEW ORDER ISSUED BY THE LORD CHANCELLOR,

Friday, March 17th, 1843.

The Right Hon. JOHN SINGLETON LORD LYNDBURST, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Hon. HENRY LORD LANGDALE, Master of the Rolls, The Right Hon. Sir LANCELOT SHADWELL, Vice-Chancellor of England, The Right Hon. the Vice-Chancellor, Sir JAMES LEWIS KNIGHT BRUCE, and The Right Hon. the Vice-Chancellor, Sir JAMES WIGRAM, doth hereby order and direct in manner following (that is to say):—First, that, for the purpose of diminishing expense in the enrolment of decrees and orders, no part of the statements or allegations contained in any bill, answer, petition, affidavit, or report, shall be recited or stated in any such enrolment, but that it shall be sufficient to state in such in-



rolment the filing of the bill or petition, or service of the notice of motion with the names of the parties thereto, together with the prayer of the bill or petition, or notice of motion, the filing of the several answers, and other pleadings or proceedings and reports, whether confirmed or not, and the short purport or effect of any decree or order made, had, put in, or taken, before the date of the decree or order inrolled and leading thereto. Second, that no decree or order shall be inrolled until the Clerk of Records and Writs, in whose division the cause or matter may be, shall have inspected the docquet of such inrolment, and shall have certified thereon that the statement of the pleadings, orders, reports, and proceedings therein contained is correct, and that, for such inspection and certificate, the Clerk of Records and Writs shall be entitled to receive, and he is hereby authorized to receive, the sum of 3*l.*, to be by him paid into the Suitsors' Fee Fund.

LYNDHURST, C.

LANGDALE, M. R.

LANCELOT SHADWELL, V. C. E.

JAMES LEWIS KNIGHT BRUCE, V. C.

JAMES WIGRAM, V. C.

## Imperial Parliament.

### HOUSE OF LORDS.

*Friday, March 24.*

Lord Campbell moved to bring in a Bill for Shortening Conveyances of Real Property. The Bill proposed to abolish the verbose forms now in use, and to frame a parliamentary conveyance in a tabular form, containing the names of the grantor and grantees, the parcels and other particulars, so that an estate should be conveyed by a deed not longer than any ordinary letter\*.

### HOUSE OF COMMONS.

*Thursday, March 30.*

Mr. *Elphinstone* moved for leave to bring in a Bill to establish a Court for Marriage and Divorce. After some conversation the House divided, when the numbers were forty-seven on each side. The Speaker gave his casting vote in favour of the motion, and the Bill was accordingly brought in and read a first time, and ordered to be read a second time on the 3rd May.

## London Gazettes.

### TUESDAY, MARCH 28.

#### BANKRUPTS.

THOMAS EDWARD ROWLEY, Oxford-street, draper, April 4 at 12, and May 9 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Parker, St. Paul's Church-yard.—Fiat dated March 17.

ISAAC WILSON, Tillingham, Essex, draper and grocer, April 7 at half-past 10, and May 9 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Digby, Maldon, Essex.—Fiat dated March 16.

EDWARD PERKINS, Bridport-place, Hoxton, corn and coal dealer, April 4 and May 2 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Ashley, Shoreditch.—Fiat dated March 22.

CHARLES GILBY, Mitre-tavern, Greenwich, Kent, wine merchant and victualler, April 7 at half-past 11, and May 9 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Harpur, Kennington-cross.—Fiat dated March 20.

ROBERT CONIBEERE and EDWARD BUTLER, jun., Birmingham, woollen drapers, April 11 at 1, and April 26 at 12, District Court of Bankruptcy, Birmingham: Sols. Tyndall & Son, Birmingham; Fisher, Bucklersbury.—Fiat dated Feb. 28.

\* His Lordship did not go into any detailed explanation of his bill.

JOHN HERBERT GLOVER, Bermondsey-street, Surrey, oil and colourman, April 6 at half-past 1, and May 9 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Wollen, 30, Bucklersbury.—Fiat dated March 28.

JOSEPH PYM, jun., Belper, Derbyshire, cabinet maker, April 11 and May 3 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Ingle, Belper.—Fiat dated March 23.

SAMUEL TEAGUE, Birmingham, builder, April 10 at 1, and May 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Ryland, Birmingham.—Fiat dated March 23.

JOHN TATTERSALL, Old Lyons, Over Darwen, Lancashire, coal dealer, April 12 and May 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Alcock & Dixon, Burnley; Hall, Clitheroe; Johnson & Co., 7, King's Bench-walk, Temple.—Fiat dated March 13.

MAURICE SEARY, Swndwr, near Northop, Flintshire, maltster, April 11 at 12, and May 8 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Roberts & Son, Mold; Milne & Co., Temple.—Fiat dated March 22.

STEPHEN THOMAS, York, victualler and tavern keeper, April 7 and May 5 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Smithson, York; Bulmer, Leeds.—Fiat dated March 16.

JOHN PLEASANCE, Wath-upon-Dearne, Yorkshire, mason and builder, April 7 and May 8 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Palfreyman, Sheffield; Blackburn, Leeds.—Fiat dated Feb. 23.

RICHARD BLACKBURN and JOHN BLACKBURN, Morley, Yorkshire, cloth manufacturers, April 8 at 11, and May 2 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Blackburn, Leeds.—Fiat dated March 18.

JONATHAN BOWMAN, Carlisle, Cumberland, woollen draper and hatter, April 10 at 10, and May 16 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Philipson, Newcastle; Lloyd, Cheapside.—Fiat dated Feb. 14.

JOHN HENDERSON, Greenside, Ryton, Durham, wood merchant, April 24 at half-past 11, and May 22 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry.—Fiat dated March 20.

JOHN FLETCHER, Maryport, Cumberland, boiler manufacturer, April 12 at 11, and May 15 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Huthwaite, Maryport; Taylor & Collison, Great James-street, Bedford-row.—Fiat dated March 18.

HENRY YEATMAN, Leachlade, Gloucestershire, chemist and druggist, April 7 and May 8 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Barron & Cullen, Bloomsbury-sq., London.—Fiat dated March 14.

JAMES DUDFIELD, Tewkesbury, Gloucestershire, druggist, April 7 and May 8 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Winterbotham & Thomas, Tewkesbury.—Fiat dated March 20.

#### MEETINGS.

*Fred. Sherwood*, Cornwall-road, Lambeth, builder, April 11 at half-past 12, Court of Bankruptcy, London, pr. d.—*J. Robertson*, Liverpool, merchant, April 8 at 12, District Court of Bankruptcy, Liverpool, pr. d.—*David Lawson*, Mary-le-bone-street, woollen draper, April 12 at 12, Court of Bankruptcy, London, ch. ass.—*Sam. M. Long*, North-lodge Farm, Enfield, Middlesex, lime burner, April 7 at 1, Court of Bankruptcy, London, last ex.—*James Barnes*, Jermyn-street, St. James's, lodging-house keeper, April 7 at half-past 2, Court of Bankruptcy, London, last ex.—*Abraham Vickers*, Manchester, ironmonger, April 12 at 10, District Court of Bankruptcy, Manchester, last ex.—*John Beaumont*, Tottenham-court-road, surgeon, April 21 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Joe. Jas. Dell*, Strand, tavern and hotel keeper, April 19 at 1, Court of Bankruptcy, London, aud. ac.—*Aug. D. Brokowski*, High-street, Wapping, ship chandler, April 19 at 12, Court of Bankruptcy, London, aud. ac.—*Chas. Jas. Williams* and *Edward Nevill*, Birmingham, factors, April 24 at 1, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.; April 26 at 1, div.—*Ben. Holmes*, Birmingham, boot maker, April 22 at 12, District Court of

Bankruptcy, Birmingham, aud. ac.—*Wm. Ryland*, Liverpool, tanner, April 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Chas. Biggs*, Manchester, commission agent, April 19 at 10, District Court of Bankruptcy, Manchester, aud. ac.—*Robert Keen*, Old George-yard, Snow-hill, cheese factor, April 21 at 11, Court of Bankruptcy, London, div.—*Jas. Robbins*, Winchester, Hampshire, bookseller, April 20 at 11, Court of Bankruptcy, London, div.—*Jeremiah Gilman*, Stewkley, Buckinghamshire, grocer, April 21 at half-past 12, Court of Bankruptcy, London, div.—*Edmd. F. Green*, Leadenhall-street, London, merchant, April 21 at 1, Court of Bankruptcy, London, div.—*Henry Hedger* and *Jas. Hedger*, Coventry, watch manufacturers, April 21 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; April 26 at half-past 12, div.—*Benj. Willoughby*, Birmingham, brassing manufacturer, April 26 at 1, District Court of Bankruptcy, Birmingham, div.—*Thomas B. Fehr*, Dudley, Worcestershire, wine merchant, April 26 at 12, District Court of Bankruptcy, Birmingham, div.—*John Greaves*, Sutton, Campsall, Yorkshire, factor, April 27 at 1, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*James C. Mumford*, Jubilee-place, Mile-end-road, grocer, April 20 at 3, Court of Bankruptcy, London.—*Geo. Young* and *Jas. Hancock*, Hatton-garden, card makers, April 20 at 2, Court of Bankruptcy, London.—*John B. Gibson*, Northampton, linen draper, April 20 at 3, Court of Bankruptcy, London.—*Jer. Gilman*, Stewkley, Buckinghamshire, grocer, April 20 at 11, Court of Bankruptcy, London.—*John Gibbs*, Great Yarmouth, Norfolk, tavern keeper, April 28 at 12, Court of Bankruptcy, London.—*John Bennett*, Reading, Berkshire, railroad contractor, April 19 at 11, Court of Bankruptcy, London.—*Wm. Nicholl*, Warley, Halifax, Yorkshire, spinner, May 5 at 11, District Court of Bankruptcy, Leeds.—*Thomas Nicholl*, jun., Redruth, Cornwall, grocer, April 26 at 12, District Court of Bankruptcy, Exeter.—*T. Gales*, Hylton, Durham, ship builder, April 21 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Smithson*, York, tobaccoconist, May 10 at 12, District Court of Bankruptcy, Leeds.—*John Henry Bell*, Stokesacroft, Bristol, apothecary, April 19 at 12, District Court of Bankruptcy, Bristol.—*John Ray*, Leeds, Yorkshire, porter merchant, April 24 at 11, District Court of Bankruptcy, Leeds.—*Richard Shepherd*, Liverpool, boot and shoe maker, April 19 at 11, District Court of Bankruptcy, Liverpool.—*James Lea*, sen., and *Thos. Patrick*, Worcester, butchers, April 19 at 12, District Court of Bankruptcy, Birmingham.—*Wm. Welch*, Birmingham, victualler, April 22 at 1, District Court of Bankruptcy, Birmingham.—*R. Rymer*, Chorlton-upon-Medlock, Manchester, painter, April 25 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 18.*

*Jos. Banks* and *Jos. Burgees*, Manchester, drapers.—*Thos. Henney*, Midhurst, Sussex, innkeeper.—*John Ashworth*, Rochdale, Lancashire, worsted manufacturer.—*John Lewis*, Tredegar, Monmouthshire, draper.—*Elizabeth Caroline Knappell*, Haymarket, hotel-keeper.—*John Pattison*, Baidington-quay, saddler and harness-maker.—*Chas. Mottram*, Liverpool, wool-broker.—*Jas. Bradshaw*, Marylebone-street, Piccadilly, woollen-draper.—*Joseph Wilson*, Manchester, warehouseman.—*Job Bowyer*, Sutton, near Macclesfield, Cheshire, provision-dealer.—*John Morriash*, Keynsham, Somersetshire, maltster.—*Charles M. Darby*, Regent-st., St. Marylebone, printer.—*Wm. P. Mann*, Great Yarmouth, Norfolk, merchant.—*John Denton*, Golden Fleece, St. John-street-road, Clerkenwell, licensed victualler.—*Jos. Horatio Ritchie*, Clyde-dock, Rotherhithe, Surrey, shipwright.—*Thos. Phipp*, Union-court, Old Broad-street, London, auctioneer.—*Geo. Williams*, Marylebone-street, Piccadilly, woollen-draper.—*James Kirkpatrick*, Newport, Isle of Wight, Southampton, banker.—*Sam. Smith*, Sheffield, Yorkshire, cutlery manufacturer.—*Thos. Brown*, Stockton-on-Tees, Durham, ship-builder.

#### SCOTCH SEQUESTRATIONS.

*Jas. Rathven*, Edinburgh, printer.—*Wm. Scott*, Earlstoun, saddler.—*John Peebles*, Leven, merchant.—*George Barrie*, Threipland, farmer.—*Wm. Davidson*, Dundee, merchant.

#### DECLARATIONS OF INSOLVENCY.

*John Hill*, Tewkesbury, carrier.  
*Joseph D. Treleven*, Stratton, Cornwall, carpenter.  
*John Cooke*, Tilney St. Lawrence, Norfolk, miller.  
*John Leigh*, Manchester, out of business.  
*John Willard*, Litherhurst, Sussex, millwright.  
*Edward Fox*, Liverpool, hair-cutter.  
*John Wheatcroft*, Ashford-bridge, Derbyshire, mineral agent.  
*Jesse D. Pawthrop*, Bradford, Yorkshire, surgeon.  
*Francis C. Turner*, Cheltenham, portrait-painter.  
*Jas. Wallworth*, sen., Manchester, shareholder in the Imperial Bank of England.  
*Charles Henry Browne*, Ludgate-hill, dentist.  
*Samuel Birchenough*, Liverpool, out of business.  
*Alexander Hardie*, Great Bolton, cotton manufacturer.  
*John Gutteridge*, Snaith, Yorkshire, ship-builder.  
*Richard Cooper*, St. John's-wood-terrace, clerk.  
*William Kitchen*, Dewsbury, clothier.  
*George Lister*, Dewsbury, clothier.  
*Henry P. Smith*, Bishopsgate Without, assistant to a linen-draper.  
*John Moore*, Sidney-street, City-road, out of business.  
*Benson Earle Hill*, Montpelier-row, Brompton, author.  
*Isaac Makinson*, Sheffield, grinder.  
*Jas. Wayte*, Seckford-street, Clerkenwell, commission-agent.  
*Thos. Blackwell*, sen., Sheffield, working silversmith.  
*Joseph Salmon*, Stoke-upon-Trent, publican.  
*Lawrence Banks*, Budleigh Salterton, Devonshire, attorney.  
*Joseph Midwood*, Huddersfield, stone-mason.  
*Joseph Baxter*, Linthwaite, Yorkshire, clothier.  
*Hugh Bradford*, Sheffield, licensed victualler.  
*Benjamin Walker*, Guiseley, Yorkshire, cloth-weaver.  
*Lister Pieslley*, Bradford, Yorkshire, bookseller.  
*Joseph Cooper*, Topcliffe, Yorkshire, innkeeper.  
*Jas. Boothroyd*, otherwise *Jas. Firth*, Halifax, stone-mason.  
*William Hudson*, Liverpool, baker.  
*John Standring*, Rochdale, brewer.  
*Richard Leach*, Rochdale, woollen-weaver.  
*Henry Warren*, Knighton, Radnorshire, surgeon.  
*Matthew Marshall*, Doncaster, fishmonger.  
*William T. Pycroft*, Fishtoft, Lincolnshire, farmer.  
*Johanna Hawker*, King's College, cook.  
*Jesse Calt*, Gravesend, confectioner.  
*Henry Dalby*, Ebley, Gloucestershire, retailer of beer.  
*Marker Gaze*, Liscard, Cheshire, land surveyor.  
*John Beart*, Knockholt, Kent, and Bouverie-st., attorney.  
*William Watson*, St. Alban's, nurseryman.  
*Wm. Smith*, Nutford-pl., Edgeware-road, coach-maker.

#### INSOLVENT DEBTORS.

*Saturday, March 25.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Benj. Jones*, Builth, Brecon, gentleman, No. 20,709 C.; *John Meredith*, new assignee, in the room of *Wm. Quarterman*, *Thos. Barnett*, and *John Edwards*, all deceased.—*T. Lyne*, Westbourne, Sussex, commander in the Royal Navy, No. 18,920 T.; *Samuel Sturgis*, gentleman, new assignee, in the room of *Edward Hipkin*, removed.—*Benj. Nich. Price*, Bryngwyn-house, Bryngwyn, Monmouthshire, gentleman, No. 50,164 C.; *Jas. Wallace*, Richard Hall, and *John Phillpotts*, new assignees, in the room of *Thomas Gardner*, unwilling to act.—*Geo. Loggan*, Margaret-street, Cavendish-square, Middlesex, captain in the army, No. 27,289 T.; *Samuel Sturgis*, gentleman, new assignee, in the room of *Samuel Martin*, removed.—*John Lewis Brigstocke*, Carmarthen, printer, No. 62,168 C.; *Samuel Sharwood*, assignee.—*Robert Watson*, Seaham-harbour, Durham, tailor, No. 61,372 C.; *Robert Kidd*, assignee.—*Jonas Wood*, Yeadon, near Leeds, Yorkshire, publican, No. 61,555 C.; *Robert Swan*, assignee.—*G. Dean*, Stoke-upon-Trent, Staffordshire, carrier's clerk, No. 57,406 C.; *Wm. Mountford*, assignee.—*Henry Chadd*, Ledbury, Herefordshire, shoemaker, No. 61,476 C.; *Thos. Bill*, assignee.—*Jas. Weeley*, King-street, Clerkenwell, slop-seller, No. 5748 O.; *Geo. Boyce*, assignee.—*Robert Scott*, Surrey-road, Gravel-lane, Southwark, out of business, No. 39,686 T.; *George Scott*, assignee.—*Geo. Saunders*, Church-row West, Hackney, carpenter, No. 54,131 T.; *John Brooks*, assignee.—*Harriet Hubbard*, Upper Whitecross-street, St. Luke's, gingerbread baker, No. 54,562 T.; *G. Treadway*, assignee.—

*John George Riches*, White-street, Southwark, Surrey, carpenter, No. 54,288 T.; *John Thomas Ellis* and *George Luck*, assignees.—*William Lucy*, St. Helen, Worcestershire, hairdresser, No. 61,982 C.; *Jas. L. Wilks*, assignee.—*T. Longton*, Lancaster, publican, No. 61,624 C.; *William Bush*, assignee.—*Maurice Ellis*, Liverpool, porter in a warehouse, No. 62,136 C.; *John B. Pryse*, assignee.—*Thomas Johnson*, Walton-le-Dale, near Preston, Lancashire, dealer in ale, No. 62,141 C.; *John Gillibrand*, assignee.—*John Tomlinson*, Ilkley, near Otley, Yorkshire, calf jobber, No. 61,783 C.; *Marmaduke Dunwell*, assignee.—*Richard West*, Suckley, Worcestershire, labourer, No. 61,984 C.; *J. L. Wilks*, assignee.—*Rich. Arrow-smith*, Burnley, Lancashire, shopman to a tailor, No. 61,750 C.; *Robert Stewart*, assignee.—*John Hancock*, Nantrehebock, near Carmarthen, farmer, No. 60,468 C.; *G. Barrett*, assignee.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, SALISBURY, Wiltshire, April 19 at 10.*

*John Griffen*, Steeple Ashton, labourer.—*John Bunce*, Aldbourne, carpenter.—*John Bridges*, Luckington, farmer.—*W. Swozell*, Lacock, retailer of beer.

*Court-house, SOUTHAMPTON, Hampshire, April 18 at 10.*

*Charles Houghton*, Holy Rhood, Southampton, builder.

*Court-house, OLDBURY, Shropshire, April 18 at 10.*

*Jas. Mantell*, Birmingham, millwright.—*Jas. Tarte*, Smethwick, Staffordshire, out of business.—*Dan. Davis*, Westbromwich, miner.—*Sam. Smith*, Westbromwich, miner.

*Court-house, BIRMINGHAM, Warwickshire, April 19 at 10.*

*John Bates*, Birmingham, blacksmith.—*William Jackson*, Oldbury, retail brewer.—*Wm. Allen*, Birmingham, whitesmith.—*John Elliott*, Birmingham, carrier.—*Thos. Norton*, Greatbridge, Tipton, plasterer.—*Edwd. Bartlett*, Birmingham, stone mason.—*Fred. Egerton*, Birmingham, out of business.—*William Chinn*, Birmingham, brewer.—*Edwin Gee*, Birmingham, out of business.—*Margaret Brown*, widow, Birmingham, waiter.—*Jas. Norton*, Birmingham, plasterer.—*S. Penn*, Deritend, Aston juxta Birmingham, bone dealer.—*J. Woodhill*, Birmingham, out of business.—*Jas. Morris*, Birmingham, carpenter.—*Thos. Cook*, Birmingham, butcher.—*John Newton*, Birmingham, carpenter.—*Sam. Wilkes*, Willenhall, Staffordshire, blacksmith.—*R. V. Clarke*, Birmingham, factor.—*Fred. Hart*, Birmingham, gilt-toy maker.—*Job Skeriff*, Birmingham, manufacturer and seller of gingerbread.—*Thos. Jordan*, Birmingham, auctioneer.—*Joseph Lambert*, Tipton, Staffordshire, victualler.—*Thos. Derry*, Aston juxta Birmingham, brass founder.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thos. Heysman*, Woolwich, hay and corn dealer, Hastie's, Wapping: 4s. 6½d. in the pound.—*Blender Morpeth*, Corbridge, Northumberland, innkeeper, Morris's, St. Mary-at-Hill, London: 1s. 7d. in the pound.—*R. Hayward*, Ipswich, shopkeeper, March 30, Burton's, Ipswich: 1s. in the pound.—*George Kidd*, Horsham, general shopkeeper, at Dods & Linklater's, 111, St. Martin's-lane, London: 1s. 1d. in the pound.

#### MEETINGS.

*Robt. R. Alexander*, Belvidere-road, Lambeth-road, Surrey, carrier, April 12 at 12, Galsworthy's, Ely-place, Holborn, sp. affairs.—*Wm. Perrin*, Hannington, Wiltshire, farmer, May 1 at 11, Crowdy & Brace's, Highworth, sp. affairs.

#### FRIDAY, MARCH 31.

##### INSOLVENT.

**WILLIAM HITCH**, Kingsland, grocer and cheesemonger.

##### BANKRUPTCY.

**EZRA HARLE**, St. John-street-road, Middlesex, chemist and druggist, April 7 at 10, and May 9 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. May, Queen-square.—Fiat dated March 27.

**EDWIN MILES**, Bridge-house-place, Newington-causeway, Surrey, saddler's ironmonger and leather seller, April 7 at half-past 1, and May 9 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Rowland, Thirsk, Yorkshire; Sudlow & Co., 20, Chancery-lane.—Fiat dated March 25.

**JAMES WHITING**, Sekeforde-street, Clerkenwell, carpenter and builder, April 11 at 12, and May 12 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Rush, Austin-friars.—Fiat dated March 25.

**THOMAS HUTCHINS**, Andover, Southampton, common carrier and waggon proprietor, and dealer in hay and corn, April 6 at 1, and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Garrard, 13, Suffolk-street, Pall-mall East.—Fiat dated March 25.

**THOMAS MAGGS**, Chesant, Hertfordshire, upholsterer, April 7 at 1, and May 3 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Barber, Furnival's-inn.—Fiat dated March 29.

**JAMES STANFORD**, Cranborne, Dorsetshire, grocer and farmer, April 15 and May 12 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Davy, Ringwood, Hants; Holme & Co., 10, New-inn.—Fiat dated March 27.

**GEORGE ESHELBY**, Gate-street, Lincoln's-inn fields, currier, April 15 and May 12 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Cox, 16, Pinner's-hall, Old Broad-street.—Fiat dated March 25.

**THOMAS WILLIAM COLEMAN**, John-street, Pentonville, coach proprietor and livery-stable keeper, April 7 at 12, and May 10 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Ashley, 9, Shoreditch.—Fiat dated March 23.

**HENRY KAY**, Chiswell-street, victualler, April 7 at 1, and May 10 at 3, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Burnell, Fenchurch-street.—Fiat dated March 28.

**GEORGE MARTIN HUTTON**, Ringwood, Hampshire, coach proprietor, April 7 at 11, and May 10 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Bartrum & Sons, Bishopsgate-street.—Fiat dated March 16.

**WILLIAM SOUTHAM**, Birchills, Staffordshire, miller, April 13 at half-past 12, and May 11 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Marklew, Walsall.—Fiat dated March 25.

**EDWIN FREEMAN SMITH** and **RICHARD MOGG BRYANT**, Bristol, carpenters and builders, April 19 at 1, and May 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Hall, Bristol; Clarke & Co., Lincoln's-inn-fields.—Fiat dated March 24.

**JOHN CLAPHAM**, Leeds, Yorkshire, victualler and innkeeper, April 24 and May 17 at 11, District Court of Bankruptcy, Leeds: Sols. J. & J. E. Upton, Leeds.—Fiat dated March 27.

**ROBERT SMITH**, Worcester, attorney, solicitor and money scrivener, April 12 at half-past 1, and May 3 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hydes & Tymbs, Worcester.—Fiat dated March 20.

**ROBERT YOUNGHUSBAND**, Esq., Naunton, Cheltenham, Gloucestershire, brick maker, April 11 and May 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Barnett, Tetbury and Cheltenham.—Fiat dated March 18.

**THOMAS HINDERWELL THOMPSON**, Liverpool, merchant, April 15 at 12, and May 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Lowndes & Co. Liverpool; Sharpe & Co., Bedford-row.—Fiat dated March 22.

#### MEETINGS.

*John Richmond*, Lime-street, merchant, April 11 at 11, Court of Bankruptcy, London, pr. d.—*C. G. Holdforth* and *John Bald*, Liverpool, commission merchants, April 13 at 12, District Court of Bankruptcy, Liverpool, pr. d.—*C. O'Neil*, Newman-st., Oxford street, Middlesex, picture dealer, *Robt. Salkeld*, Fontmell Magna, clerk, and *Geo. S. Digby*, Bishop's Caudle, Dorsetshire, esquire, April 11 at 11, Court of Bankruptcy, London, last ex. *Robt. Salkeld*.—*James Whitelaw* and *Robt. Whitelaw*, Litchfield-st., Soho, and Store-street, Bedford-sq., carpenters, April 11 at 1, Court of Bankruptcy, London, last ex.—*G. P. Timbrell*, Philip-lane, Adle-street, London, and Milton-mills, Stourport, Worcestershire, worsted spinner, April 21 at half-past 2, Court of Bankruptcy, London, last ex. and div.—*Joseph Gill*, Brierley-hill, Staffordshire, ironmaster, April 29 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.; at 12, aud. ac.—*Charles Evans*, Whitechapel-road, potato dealer, and Houndsditch, corn dealer, April 21 at half-past 11, Court of Bankruptcy,

London, aud. ac.—*John W. Horend*, Paradise-st., Lambeth, builder, April 21 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Michael Pass*, Nine-elms, Vauxhall, lime burner, April 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Francis Robinson*, High-street, All Saints, Poplar, ironmonger, April 27 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Thomas Smyth*, Marchmont-st., Brunswick-square, perfumer, April 27 at half-past 11, Court of Bankruptcy, London, aud. ac.—*George Thorburn*, St. Mary Axe, London, corn factor, April 25 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Hooper*, Reading, Berkshire, tobacco manufacturer, April 25 at half-past 1, Court of Bankruptcy, London, aud. ac.—*W. Webb*, Liverpool, ironmonger, April 20 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Edwin Bowser*, Llanelly, Carmarthenshire, draper, April 21 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*T. Simpson*, Gateshead, Durham, builder, April 24 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*George Wm. Longridge*, Sunderland, Durham, ironmonger, April 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Joseph Losh James*, Durham, stationer, April 24 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Yarrad*, jun., Spalding, Lincolnshire, grocer, April 29 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Saml. Butler*, Wm. Butler, and Jas. Butler, Birmingham, ironfounders, May 1 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Geo. Morrison*, Nottingham, lace manufacturer, April 27 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Geo. D. Thomas*, Wem, Shropshire, grocer, April 26 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; April 27 at half-past 12, div.—*Thomas Abell*, Nottingham, lace manufacturer, April 27 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Augustus Applegath*, Crayford, Kent, silk printer, April 21 at 11, Court of Bankruptcy, London, div.—*James Bradshaw* and *Geo. Williams*, Marylebone-st., Piccadilly, woollen drapers, April 21 at 12, Court of Bankruptcy, London, div.—*Wm. Barnfield*, jun., Mark-lane, wine merchant, April 21 at half-past 12, Court of Bankruptcy, London, div.—*C. J. B. Pons*, Old Bond-street, hatter, April 21 at 3, Court of Bankruptcy, London, div.—*Geo. Wm. Longridge*, Sunderland, Durham, ironmonger, April 25 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Benj. Holmes*, Birmingham, boot maker, April 24 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Chas. Evans*, Whitechapel-road, potato dealer, and Houndsditch, corn dealer, April 21 at half-past 12, Court of Bankruptcy, London.—*Rich. James Webb*, Piccadilly, tailor, April 21 at 3, Court of Bankruptcy, London.—*Chas. W. Watheow*, Poultry, chemist, April 25 at half-past 12, Court of Bankruptcy, London.—*H. G. P. Tuckett*, Poultry, merchant, April 25 at 12, Court of Bankruptcy, London.—*H. Cooley* and *James Thomson*, Willesborough, Kent, tea dealers, April 25 at 11, Court of Bankruptcy, London.—*Alex. Winton* and *David Winton*, Wood-st., Cheapside, warehousemen, April 24 at 2, Court of Bankruptcy, London.—*George Chalk*, Castleau Barnes, Surrey, and Broadway, Hammersmith, builder, April 24 at half-past 2, Court of Bankruptcy, London.—*Jas. Taylor*, Leek, Staffordshire, woollen draper, April 21 at half-past 1, District Court of Bankruptcy, Birmingham.—*John Warrillow*, Birmingham, stationer, April 24 at half-past 11, District Court of Bankruptcy, Birmingham.—*Robert Jones*, Shrewsbury, Shropshire, grocer, April 25 at half-past 11, District Court of Bankruptcy, Birmingham.—*Eras. Boot*, Nottingham, lace manufacturer, April 28, District Court of Bankruptcy, Birmingham.—*John N. Sargent*, Nottingham, grocer, April 25 at half-past 12, District Court of Bankruptcy, Birmingham.—*Wm. Bath*, Bilston, Staffordshire, brandy merchant, April 21 at half-past 1, District Court of Bankruptcy, Birmingham.—*Thos. Robson*, Liverpool, soap manufacturer, April 25 at 11, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 21.*

*John Pyefinch*, Shrewsbury, Shropshire, chemist.—*James Robertson*, Liverpool, merchant.—*Sam. C. Sneade*, Waver-tree, near Liverpool, timber merchant.—*Wm. Street*, Rickingham Superior, Suffolk, grocer.—*Jas. Senior*, Lascalls-hall,

Kirkheaton, Yorkshire, manufacturer of fancy cloths.—*Edmund Patrick*, Gloucester, general merchant.—*John M. Lea*, Liverpool merchant.—*Robt. Wright*, jun., Liquorpond-street, Middlessex, builder.—*Thos. Edward Clarke*, Acle, Norfolk, apothecary.—*Robt. Butterworth*, Bank Hey, Rochdale, Lancashire, woollen manufacturer.

#### FIAT ANNULLED.

*Aaron Gregory*, Dover, Kent, linen-draper.

#### PARTNERSHIP DISSOLVED.

*Chas. Laing* and *John Laing*, Coventry, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*David Thomson*, Burntark, near Cupar, Fifeshire, writer to the signet.—*Andrew Inglis*, Portobello, grocer.—*Robt. Hay*, Glasgow, wine and spirit merchant.—*Geo. Finlay*, Glasgow, grocer.—*Alexander Williamson*, Montrose, merchant.—*Paul Spencer*, Glasgow, tavern-keeper.

#### DECLARATIONS OF INSOLVENCY.

*James Rooker*, Walsall, Staffordshire, cooper.  
*Wm. Jones*, Conway, Carnarvonshire, baker.  
*Samuel Woods*, Leverton, Lincolnshire, farmer.  
*John Bridge*, Halliwell, Dean, Lancashire, stone dealer.  
*Harris Morris*, Walsall, Staffordshire, jeweller.  
*John Hazledine*, Wollescote, Old Swinford, Worcestershire, farmer.  
*Isaac E. Angell*, Hatton-wall, Hatton-garden, St. Andrew, Holborn, commercial traveller.  
*Richard Pater*, Cirencester, Gloucestershire, schoolmaster.  
*Richard Peck*, Manchester, out of business.  
*William Sherlock*, St. Helens, Prescott, Lancashire, painter.  
*L. Stephenson*, Kingston-upon-Hull, Yorkshire, farmer.  
*Joseph Fletcher*, Burnley, Lancashire, gardener.  
*T. Osley*, Heckmondwike, Birstal, Yorkshire, blanket maker.  
*John Ward*, Batley, Yorkshire, shopkeeper.  
*John Kershaw*, Birstall, Yorkshire, gardener.  
*Jos. Wood*, Huddersfield, Yorkshire, innkeeper.  
*John Astwick*, Middlestown, Thornhill, Yorkshire, wheelwright.  
*Charles Gilbert*, Northampton, tailor.  
*John M. Bakes*, Whiteley Bottom, Linthwaite, Almondbury, Yorkshire, schoolmaster.  
*Wm. Wills*, Littleclau, Gloucestershire, butcher.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, April 21 at 9.*

*John Chas. Marshall*, Church-st., Mile-end New-town, upholsterer.—*Geo. Merrick*, Westminster-bridge-road, carver.—*Jas. Stevens*, Upper Stamford-st., Blackfriars, Surrey, out of business.—*Walter Turnbull*, Praed-street, Paddington, tailor.—*Jas. Allwork*, Fountain-court, Strand, out of business.—*John Browne*, Rugby-cottage, Shepherd's Bush, smith.—*Jos. Walters*, sen., Monkwell-street, Cripplegate, bridle cutter.—*Jos. Smith*, sen., Howland-st., Fitzroy-square, upholsterer.—*Wm. Smith*, Canterbury-place, Walworth, Surrey, broker.—*Thos. Saxon*, Oxford-st., out of business.

#### Adjourned.

*Hen. Chas. Shield*, Broadley-terrace, Lisson-grove, broker and appraiser.

*April 22, at the same hour and place.*

*Wm. Augustus Brown*, New Ivy-street, Hoxton Old-town, chair and sofa-maker.—*Thos. Rolls*, Stratford-cottages, Albany-road, Camberwell, Surrey, out of business.—*Geo. May*, jun., Belgrade-place, Trafalgar-st., Walworth, Surrey, chair maker.—*Phillis Bowling*, Streatham-lane, Upper Tooting, Surrey, laundress.—*Geo. Phipps*, Enfield-town, Middlesex, saddler.—*Wm. Henry Moore*, Cumberland-mews, Regent's park, gentlemen's coachman.—*John Lacy*, Queen's-row, Peabonville, umbrella maker.—*John Jenkins*, Horselydown, Surrey, master mariner.—*Richard John*, Church-street, Blackfriars, Surrey, clerk to a lime merchant.—*John Dell*, Uxbridge, bricklayer.

*April 24, at the same hour and place.*

*Henry Taylor*, Lower Thames-street, out of business.—*Chas. Carr Allen*, John-street, Limehouse-fields, boat-builder.—*Robert S. Wilson*, Prebend-street, Camden New Town, out of business.—*Wm. Richards*, Hague-street, Bethnal-green road, victualler.—*John Chas. Jumpsen*, Southville Cottage

Larkhall-lane, Stockwell, Surrey, out of business.—*Charles Tullett*, Coburg-place, Borough-road, Southwark, pianoforte dealer.—*Charles Daniels*, Oxford-street, jeweller.—*William Bascall*, George-street, Hanover-square, surgeon-dentist.—*Jas. Overtan*, Queen-st., Grosvenor-square, coach plater.—*Edward Moody*, Leicester-square, auctioneer.

**Court-house, WINCHESTER, Hampshire, April 21 at 10.**

*Geo. Houghton*, Portsea, victualler.—*John Brook*, Ryde, Isle of Wight, mealman.—*Geo. Potts*, Woodlands, near Totterham, farmer.—*Francis Colwell*, Meonstoke, shoe maker.—*Jos. Dyer*, Winchester, tailor.—*Wm. Nicholls*, Romsey, in no trade or business.—*Wm. Dawson*, Hayling South, Hayling Island, carpenter.—*John Jas. Winsor*, Portsea, clerk in her Majesty's Royal Navy.—*Thos. Tullett*, North Warnborough, near Oldham, labourer.—*Geo. Jas. Hayes*, Portsea, lieutenant in the Royal Marines.—*Wm. P. Green*, Porchester-lake, near Portsmouth, Lieutenant in the British Navy.—*Walter Evans*, Lake Lance, Portsea, beer-shop keeper.—*Sam. Moore*, Portsmouth, mariner.—*H. Stone*, Stockbridge, butcher.—*T. Allee*, Winchester, out of business.—*Chas. Whitcomb*, Winchester, bookseller.—*John Hooper*, Torton, near Gosport, coal meter.—*Hen. Todman*, Bodhampton, near Havant, wheelwright.—*Geo. Wm. Wilkinson*, Beaulieu, near Lymington, lieutenant in the Navy.—*James White*, Portsea, agent for sale of Irish provisions.—*Rob. Amor*, Gosport, coal meter.

**Court-house, WARWICK, April 22 at 10.**

*Wm. Moore*, Birmingham, huckster.—*John Harris*, Birmingham, agent.—*Jesse Barber*, Birmingham, tailor.—*John Wesley Roberts*, Birmingham, woolstapler.—*James Foxall*, Birmingham, butcher.—*Chas. Kings*, Birmingham, saddler.—*Wm. Porter*, sen., Birmingham, cowkeeper.—*John Beddows*, Birmingham, scale-beam manufacturer.—*Rich. Rand*, Tredington, out of business.—*Gascyne Parry*, Balsall-heath, near Birmingham, railway clerk.—*Ed. Davies*, sen., Birmingham, out of business.—*T. Cooper*, Coventry, coal and coke dealer.—*Hen. Michael*, Birmingham, farrier.—*Rob. East*, Leamington, carpenter.—*W. Morris*, Birmingham, steam-engine fitter.—*Hannah Dace*, spinster, Ashted Aston, Birmingham, sempstress.—*Geo. Cooper*, Birmingham, jobbing cartkeeper.—*W. Hutchins*, Stretton-upon-Fosse, out of business.—*Jephthah Hopper*, Long Itchington, victualler.—*Thos. Hancock*, Anstey, near Coventry, carpenter.—*Thos. Court*, Birmingham, metal-plater.—*Joseph Watton*, Tamworth, teacher of music.—*John Depley*, sen., Hansley, near Stockingford, labourer.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*George Slade Butler*, of Eke, Sussex; *Walter Wren Driffield*, of Prescott, Lancashire.

It is reported that Mr. Pemberton is to have the Seals of the Duchy of Lancaster, as Chancellor, and that the Hon. John Talbot, son of Earl Talbot, is to succeed Mr. Pemberton as Attorney-General to his Royal Highness the Duke of Cornwall.

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LONDON, APRIL 8, 1843.

It has been commonly remarked, that people are frequently most anxious to display themselves in those situations for which their capacity least fits them. Thus, instances have been frequent of superior tragic actors, whom nothing would satisfy but to figure in comedy or farce; of gentlemen insisting upon publicly exhibiting themselves as actors; or of persons totally devoid of theological knowledge delighting in preaching sermons; and we are not without even recent instances of very grave, very dry, and very learned lawyers, who will not display the learning they have, and will display the facetiousness that they have not. To some such principle as this we apprehend must be traced the excessive fondness for the exercise of judicial functions, much displayed of late on behalf of an assembly as little fitted for deciding matters of law as any assembly of educated men can well be conceived to be.

When the Bill now before the House of Commons for amending the law relating to the registration of voters was first brought before the House during the last session, it contained clauses for constituting a Court of Appeal, consisting of three barristers, who it seems were not intended to be restricted from private practice; and to this court an appeal was to lie on matters of law. On these clauses being very recently brought under the consideration of the House, the same objections that we ventured to offer in a former number of THE JURIST, ante, Vol. 5, p. 113, were taken to the plan of such a Court of Appeal; and in their place was substituted a clause for referring appeals on points of law to one of the superior courts of common law. A more rational, a more natural proposition it would seem impossible to make; a more proper tribunal for the decision of points of law arising under an act of parliament than a Court of Law, can hardly be conceived. But still it appears that under this very simple proposition,

lurks a further attempt to undermine the constitutional privileges of the House of Commons, by depriving them of their jurisdiction in Election Law. And forthwith abundant reasons are suggested for proving that the judges, who are trusted with deciding on legal rights of every kind, without reference to what persons or what classes are affected by those decisions, are not to be trusted with the purely legal question whether, upon a certain admitted state of facts, the construction of an act of parliament gives or withholds a certain franchise\*.

Some of the reasons given for dreading to intrust to the Courts of Law so portentous a power, are singular and amusing. It is alleged that the Courts of Law are given to follow technical rules and modes of reasoning in deciding on legal rights, and therefore, that they will have a tendency to narrow the franchises conferred by the Act. The logic of this reasoning is truly unique. Admitting that the courts do proceed upon technical rules and modes of reasoning, we are at a loss to see why the necessary consequence of such rules must be to narrow the rights conferred by the Act. The consequence may be just as easily and naturally to extend them; for the technicality of the rules consists only in the adoption of certain arbitrary and artificial modes of construction, according to which the meaning of obscure clauses is to be found out; and whether the effect of that process of seeking the meaning of an act of parliament will be to discover that it meant to give or that it meant to withhold a right, must be, so far as it depends merely on the technicality of the rules, a matter entirely of chance.

Again, under the same head of objection it is urged, that the courts of law are fond of construing acts of parliament strictly, by which it is meant we presume that they are fond of cutting down the operation of acts of parliament. There is no such rule or practice.

\* See our Parliamentary Summary of the Debate on the 3rd instant.



Courts of law, as all lawyers know, seek for the key to interpret an act of Parliament in the preamble, in the general scope of the act, and in the mischief which it was intended to cure; and endeavour to construe its obscure clauses, so far as the words will permit, in conformity with what appears to be its spirit. It is true, that statutes *abridging* the rights of the subject, and imposing penalties, are in general construed strictly; but it is equally true, that, what are called enabling statutes, that is, statutes conferring rights and franchises, are liberally construed; and as these principles of construction are not personal fancies of the individuals happening to be Judges, but in effect rules of law, which Judges as such are bound to apply, it seems idle to talk of the danger of intrusting the Judges with the construction of an act conferring franchises, lest they should restrict its operation.

Another objection made is to the fairness, or at any rate to the reputation for fairness of the Judges, if they should be intrusted with the decision of points of law on which may turn the possession of the political franchise. Now the Judges, both of the courts of law and of equity, are frequently called upon to determine upon rights indirectly affecting the political status of the parties; and contests outwardly legal, but in reality deeply connected with political animosities or interests, are frequently brought before the courts without any one, we may venture to assert, having the remotest idea that the courts subject them to any test except that of purely judicial scrutiny. Of this character are such cases as *Lady Hewly's charity*, the church-rate cases, the applications for judicial interference in regard to irregularities in the appointment of corporation officers, and questions of compensation with reference to the construction of the Municipal Corporation Act;—all cases in which indirectly the political power of one or other party is at stake and is affected by the decision. There are also cases in which political rights are directly involved, and the moral influence, and consequently the interests of party deeply affected; such for instance as those in which the aid of the court is invoked against bribery under the penal clauses of acts of parliament. In all these cases the courts of law have hitherto acted without any mischievous consequences, and particularly without being associated in the public mind with the triumphs of party; and surely, if they can range over so vast a field of cases directly and indirectly political, without danger to their own integrity, or the integrity of the constitution, it is somewhat ludicrous to be fearful of entrusting them with the decision occasionally of the dry points of law which will be presented to them on appeal from the revision courts.

The fact is, that such points of law will, of necessity, now and then occur, and must be determined by some Court of Appeal. There are three modes of giving such appeal: it might be retained by the House itself, and vested by it in some committee; it might be given to the Courts of Law; or it might be given to a Court of Appeal expressly created for the purpose. The first proposition seems to be universally repudiated; and certainly we should conceive that nothing would tend more to make Revising Barristers careless of their law, than to know that its soundness would be scrutinized on appeal by a Parliamentary Committee. The third is, after all, giving

the appeal to Courts of Law, only they would be little courts, probably without a bar, instead of Superior Courts with a regular and able one. The choice between these three resources did not seem very difficult, and I trust that nothing will occur to disturb the decision which the House of Commons has come, of committing to the Judges of the Law the final appeal on matters of law arising in the Revision Courts. There can scarcely be a doubt, that, to the claimants, the decisions of the Queen's Courts will be far more satisfactory than those of either a Parliamentary Committee, or of any special Court of Law which it would be practicable to construct.

### Correspondence.

#### ON PRIORITY OF WRITS OF FIERI FACIA.

TO THE EDITOR OF THE JURIST.

Sir,—The questions have been lately raised before Mr. Justice Wightman, at the Bail Court, (*Ashworth v. Earl of Uzbridge, Foster v. Same, and Five other Plaintiffs v. Same*, reported in 12 Law Journ., N. S., Q. B. 39; ante, p. 237), whether a sheriff may return to a writ of *fi. fa.* a seizure of the goods of defendant, under the writ and one or more other writs; and whether, when two or more writs are delivered to the sheriff together, without any direction as to priority, he can effectually rule the plaintiff or his attorney to give him direction as to which must be first executed. Both questions will be answered by a full explanation of the first; but in the consideration of that point, circumstances will be involved affecting the latter question.

If the question, whether the sheriff may return to one *fi. fa.* an execution under that concurrently with another, be answered in the affirmative, then it is obvious that the reason for the rule calling on the plaintiff or his attorney to specify priority, would be idle and unavailing. This having been assumed in the case now under consideration, (i. e. if the direction of the learned judge may be considered any evidence of his opinion), I shall proceed to comment on the reasonableness of this assumption, and the precedents by which it is supported. The reputed ground was *Chambers v. Coleman*, (9 Dowl. P. C. 588), which case decided that a return of seizure under two writs, at the same time acknowledging which should take priority, would be allowed; the learned judge considered this case as decisive whether the sheriff might return as to taking under several writs; but either overlooking or disregarding the mention there made of priority, he thought it quite sufficient to warrant him in impugning, on the authority of this doubtful decision, the dicta of the judges in the case of *Windle v. Chetwynd*, (7 Dowl. P. C. 554), which now stands in constructive opposition to the present case. That this portion of the opinion, but ill supported by precedent is therefore apparent.

I will now shortly apply myself to the reasonableness of the presumption. Assuming that the case of *Windle v. Chetwynd* had been here affirmed, the rule prayed against the plaintiffs or their attorney had been indispensable because the sheriff would not be able on his own responsibility to decide which writ should take precedence; and he having here received the writs in a bundle, at the same time being ignorant of the inconvenience he thereby imposed upon himself, had been reduced to these two remedies—of a declaration of priority either from the plaintiffs, or their attorney. To grant this rule as against the plaintiffs, would be to open a door for strife and contention, six out of seven disputing without reason, and none would be to be placed last upon the list. One party now only remains from whom the remedy can flow, and this

the plaintiff's attorney, who, possessing a knowledge of the proceedings in each case, I conceive to be the proper person to decide this question: he is the proper arbitrator both consistently with the law, as far as we know it; and as, in defect of the law, right reason and common sense may be allowed to guide us, (and what is there to prevent them?) who so fit as the legal adviser of all parties?

I pursue this line of reasoning on the supposition, that the date of entering up judgment in any action is the time from which the priority of any execution is to be reckoned; and although this has been doubted by the learned judge before mentioned, yet it appears to impress itself upon the mind as the reasonable and proper time, without any arguments in furtherance of the conviction; but how far further consideration of the question will strengthen the impression, we shall hereafter perceive.

In default of cases expressly deciding whether the date of judgment, or the lodging the *fi. fa.* in the sheriff's office, shall be the time when the goods of the defendant shall be considered as appropriated to the use of the person suing out the writ, to the exclusion of all others not possessed of the same advantage, we must judge from reason and analogy, as well as by considering the convenience or inconvenience of either mode being adopted. The decision of this question cannot be long delayed; and it is surprising that one so simple, and which must have often been agitated in private, should never have come under the cognisance of the judges in a case requiring an express decision by the court. I conceive that the signing of judgment adjudicating a certain sum to be due to the plaintiff, is a declaration of property in the goods of the defendant to that amount, and that the legal transfer of the goods to the use of the plaintiff is complete; all that is required afterwards is a seizure of them by due course of law, and this seizure takes place by virtue of the judgment, the evidence of which is the *fi. fa.*, and that the legal title to the goods being consummated by the act of signing judgment, no adverse or concurrent claim can be set up, unless the title accrued before or at the same time. In the case of *Barker v. Birch* (12 Law Journ., N. S., C.P. 41) it is assumed that the issue of a writ, and not the service, is the commencement of an action by way of appeal against the decision of a tithe commissioner, and it is to be presumed that a similar rule will apply universally. And if there be any similarity existing between criminal and civil suits, this view is strongly supported by the judgment of death awarded against a convicted criminal, who from that moment is dead in law to all intents and purposes. So here an effectual alienation has taken place of the property of the defendant, to the amount of debt entered in the incipitur in the book of the clerk of the judgments.

An objection was made during the argument of the case in dispute by the opponents of the rule nisi, that were the attorney to be called upon to declare in what priority the writs should be executed, he might fall under the imputation of preferring one client to another; and this objection would have weight were the precedence to be dated from the time of presenting at the sheriff's office; but I submit that nothing will prevent this so effectually as the other plan, by which the attorney can never be at a loss which client ought to be first served, and that were he clandestinely to favour a client, he would then do so in the face of, and opposition to, laws which had the power to punish. Should however certain judgments happen to be entered up on the same day, and the goods be insufficient to meet both demands, even then the doctrine endeavoured to be here impugned, that the sheriff may return to each *fi. fa.* the levy in connection with the other, is not indisputably necessary to be introduced, as the sheriff may not improperly be allowed, for the furtherance of the

ends of justice, ostensibly to levy the whole amount under one writ, and the remainder on the other; apportion an equal share to each in his own office, and return each as levied to the amount apportioned, and to the deficiency *nulla bona*. Nothing very objectionable can surely be urged against this mode of proceeding.

After writing thus far in this article, my attention was directed to Archbold, p. 259, Vol. 1, where, treating on the time from which a defendant's property becomes bound, in drawing towards a conclusion, he says, "As far as relates to the party himself, and all others but purchasers for a valuable consideration;" and therefore, as against any other judgment creditor of defendant, "writs of execution shall bind the party's goods from the time of the teste." Against this eminent authority it would be dangerous to contend, especially where the expediency, and in fact necessity for so doing, is not very apparent.

It is not of course intended to be inferred from these remarks, that it should be the duty of the sheriff to search, whether on the receipt of every execution a prior judgment has been signed against the defendant's estate; neither would I go the length of saying, that, in case a prior judgment is discovered after the *fi. fa.* has been lodged in the sheriff's office, and the goods of defendant taken under such *fi. fa.*, the sale should be superseded, or the money produced therefrom be first applied in discharge of the prior judgment. The doctrine, that it is the sheriff's duty to levy under the writs which come into his possession in the order in which he receives them, without any inquiry whatever, is here recognised. And all that I contend for is, that when the sheriff, having received several writs at once, would be either obliged to take upon himself the responsibility of electing which writ should take priority, or otherwise be necessitated to levy under both or all the writs received at the same time, and make a return to that effect, he may relieve himself from his difficulty by ruling the attorney of the parties to inform him which *fi. fa.* takes the precedence; and by doing so no hardship will be suffered by the attorney, if the rule, that the teste of the judgment is also the test of priority, be recognised by the law of the land.

I think we may therefore safely come to the conclusions:—

First, That the necessity for the return to one *fi. fa.* of a concurrent levy with another is not paramount.

Secondly, That the attorney is the person most proper to apply to in order to ascertain the priority of writs of execution, as flowing from the admission that the teste of the writ is the time from which a defendant's goods become bound; he (the attorney) is the person most likely to be acquainted with this fact, and it will also effectually guard against partiality on his part.

With the greatest deference and respect to the opinion of the above learned judge, I leave the case in the hands of parties much better able, both from theory and practice, to draw a right conclusion, than can fall to my humble lot at present. G. M.

## Imperial Parliament.

### HOUSE OF COMMONS.

Monday, April 3.

REGISTRATION OF VOTERS BILL.—Lord J. Russell made some observations on the alterations which had been made in this Bill, giving to the courts of law the jurisdiction finally to decide on the right to the franchise. This was a power which the House had always exercised, and the giving such a power to the courts would be a complete surrender by the House of the right which it had maintained for centuries, and which was one of the foundations of the liberties of this country. He objected to its being given to the courts, also on the ground

that they were in the habit of being guided by technical rules in their decisions, and the effect of such decisions would be to narrow rights and franchises. He feared therefore, that the rights of 101 householders, of freeholders and others, would be narrowed by technical interpretations.

Sir J. Graham answered, that the principle of the clause to which the noble Lord objected was to be found in his own former proposition in regard to the Irish Registration Bill, where he (Lord John Russell) proposed to make the decision, not of a court of law, but of a single judge of assize, conclusive. There was nothing unconstitutional in his (Sir J. Graham's) mind in referring the decision of a matter of law to a court of law.

The alteration was opposed by Mr. Buller, and defended by *The Attorney-General* and *The Solicitor-General*, the latter of whom put the very short point involved in the discussion on its true ground. The learned member pointed out, that, by the Bill, no inroad was made on the authority of the House. The Bill kept in the House full power over every matter connected with the control of elections, and full power of deciding as to all facts; the general power of the House would remain untouched; it was simply the construction of the act of Parliament that they were asked to give to the Common Pleas.

After some observations from Sir G. Grey, the House divided, and the clause (giving the appellate jurisdiction to the courts of law) was agreed to by a majority of 103.

Several details of the Bill were discussed, and it was finally passed through Committee, and the report ordered to be received on Thursday.

*Thursday, April 6.*

Sir James Graham stated, that the Ecclesiastical Courts Bill would be positively brought on on Monday.

## London Gazettes.

TUESDAY, APRIL 4.

### BANKRUPTS.

**HENRY WOOD**, Fleet-street, bookseller and publisher, April 12 and May 16 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Close, 1, Furnival's-inn.—Fiat dated March 22.

**WILLIAM BURTON**, Cambridge, draper and tea-dealer, April 22 at 12, and May 12 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Cannon, Cambridge; Ashurst, Cheapside.—Fiat dated March 20.

**JOHN HUTTON**, Ringwood, Southampton, draper, April 18 at half-past 1, and May 9 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Moger, Bartlett's-buildings.—Fiat dated March 27.

**JOHN ROBERT HITCHCOCK**, New Sarum, Wiltshire, hoster and carrier, April 12 and May 5 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Baylis, Devonshire-square, Bishopsgate.—Fiat dated March 28.

**JOSEPH NYE**, Bridge-house-place, Southwark, Surrey, surgical instrument and garden engine manufacturer, April 10 at 1, and May 9 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Lane, Argyle-street.—Fiat dated April 1.

**JOHN HOWE**, Sheffield, Yorkshire, table-knife manufacturer, April 26 and May 15 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Ryalls, Sheffield.—Fiat dated March 24.

**HENRY MORRIS**, Stourbridge, Worcestershire, grocer, April 12 at 2, and May 12 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Brittan & Son, Bristol; Collis, Stourbridge.—Fiat dated March 27.

**EDMUND WHEELER**, Birmingham, corn-dealer and maltster, April 13 at half-past 11, and May 11 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Mottram, Birmingham.—Fiat dated March 30.

**THOMAS EARDLEY**, Newcastle-under-Lyme, Staffordshire, hat manufacturer, April 12 and May 12 at half-past 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Stanier, Newcastle-under-Lyme.—Fiat dated March 28.

**JAMES HIGHAM**, Kearsley, Lancashire, victualler, April 10 and May 1 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Weston, Manchester; Milne & Co., Temple.—Fiat dated March 21.

**JOSEPH TRAVELL**, Sheffield, Yorkshire, tailor, April 1 at 11, and May 4 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Wadsworth, Nottingham.—Fiat dated March 25.

**GEORGE RATCLIFFE**, Sheffield, Yorkshire, fender manufacturer, April 18 and May 9 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Smith, Haywood & Bramley, Sheffield.—Fiat dated March 29.

**THOMAS BROOK**, Longwood, Huddersfield, Yorkshire woollen-cloth merchant, April 18 and May 9 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Sykes Milne-bridge, near Huddersfield.—Fiat dated March 24.

**JOHN EYRE PEARSON**, Sheffield, Yorkshire, wine and spirit merchant, April 18 and May 9 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Smith Haywood & Bramley, or Copeland, jun., Sheffield.—Fiat dated March 29.

**JOHN EVANS**, Liverpool, coal-dealer, April 20 at 1, and May 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Gaskell, Wigan, Lancashire; Gregory & Co., Bedford-row.—Fiat dated March 25.

### MEETINGS.

*Spencer Rogers*, Dale-hall, near Burslem, Staffordshire earthenware manufacturer, April 28 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*Thos. Ford Harris*, Great Portland-street, draper, April 12 at half-past 10, Court of Bankruptcy, London, last ex.—*Thos. Hughes*, Great Corn-st., Brunswick-square, Middlesex, lodging-house keeper, April 13 at half-past 10, Court of Bankruptcy, London, last ex.—*Geo. Pile* and *William James B. Staunton*, Salvador-house, Bishopsgate-street Without, wine and spirit merchants, April 13 at 10, Court of Bankruptcy, London, last ex.—*William Mays*, Brigstock, Northamptonshire, feltmonger, April 26 at 3, Court of Bankruptcy, London, last ex. and aud. ac.—*Hugh Parker*, *O. Shore*, *John Brewin*, and *John Rodgers*, Sheffield, Yorkshire, bankers, May 3 at 11, District Court of Bankruptcy, Leeds, last ex.—*John Amory Boden*, Sheffield, Yorkshire, razor manufacturer, May 5 at 11, District Court of Bankruptcy, Leeds, last ex.—*Alex. Hay*, Great Queen-st., Lincoln's-inn-fields, coach-maker, April 25 at 1, Court of Bankruptcy, London, aud. ac.—*Geo. Richmond*, Cowley, Oxfordshire, corn-dealer, April 28 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Dunn*, Southampton, merchant, April 28 at 1, Court of Bankruptcy, London, aud. ac.—*Ed. Knight*, Southampton, cabinet-maker, April 28 at 2, Court of Bankruptcy, London, aud. ac.—*Dani. Button*, Albion-place, Battle-bridge, Islington, pawnbroker, April 25 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Geo. Cole*, Bexley-heath, Kent, grocer, April 25 at 12, Court of Bankruptcy, London, aud. ac.—*Robt. Ames*, Margate, Kent, linen-draper, April 27 at 12, Court of Bankruptcy, London, aud. ac.—*W. Hen. Hutchins*, Whitechapel-road, linen-draper, April 27 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Frederick Burghart*, Clifford-street, Bond-street, Middlesex, tailor, April 27 at 1, Court of Bankruptcy, London, aud. ac.—*James Hodson*, Reading, Berkshire, druggist, April 26 at 12, Court of Bankruptcy, London, aud. ac.—*Th. Fraser*, Brook-street, Bond-st., Italian warehouseman, April 25 at 12, Court of Bankruptcy, London, aud. ac.; April 28 at 1, div.—*Thos. Jac. Lancaster*, Barge-yard, Bucklersbury, merchant, April 27 at 12, Court of Bankruptcy, London, aud. ac.—*G. B. Sells*, Duke-st., Portland-pl., wine merchant, April 29 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Thos. Kimpton*, High-st., Newington-butt, Surrey, draper, April 29 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. Senior*, St. Swithin's-lane, London, hardwareman, April 28 at 1, Court of Bankruptcy, London, aud. ac.—*Wm. Bowles*, Castle-lane, Southwark, comb maker, April 29 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Thompson*, Thornhill-bridge-place, St. Mary, Islington, timber merchant, April 28 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Wm. Carr* and *John Coull Carr*, Sunderland, Durham, merchants, April 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 28 at 1, div. joint est.; April 28 at 12, aud. ac.; April 28 at 2, fin. div. sep. est. *W. Carr*—*Henry Shaftoe* and *Wm. Clarke*, Bishopwearmouth, Durham, common brewers, April 25 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Rebecca Drewry*, Park-rith, Cumberland, banker, April 26 at 10, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; April 27 at 12,

fin. div.—*John Cooke*, Coxhoe, Durham, banker, April 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; April 28 at 11, fin. div.—*Chas. Pugh*, New-town, Montgomeryshire, ironmonger, April 28 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Rich. Goolden*, Welshpool, Montgomeryshire, carrier, April 26 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*David Hughes*, Welshpool, Montgomeryshire, lime burner, April 27 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*John James*, Cheltenham, Gloucestershire, wine merchant, May 1 at 11, District Court of Bankruptcy, Bristol, and. ac.—*Wm. Morgan*, Cheltenham, Gloucestershire, builder, May 1 at 1, District Court of Bankruptcy, Bristol, and. ac.—*Morgan Duncan*, Newport, Monmouthshire, linen draper, April 26 at 11, District Court of Bankruptcy, Bristol, and. ac.; May 3 at 11, div.—*C. Evans*, Whitechapel-road, potato dealer, and Houndsditch, London, corn dealer, April 28 at half-past 11, Court of Bankruptcy, London, div.—*Bartbol. Vanderplank and Sam. Vanderplank*, Sarille-row, Burlington-gardens, woollen drapers, April 28 at 12, Court of Bankruptcy, London, div.—*Wm. Kearse*, Belgrave-place, Walworth-road, Surrey, tailor, April 28 at 12, Court of Bankruptcy, London, div.—*Francis Carey*, Nottingham, hatter, April 25 at 2, Court of Bankruptcy, London, div.—*Benj. B. Cross*, Woodstock, Oxfordshire, glover, April 27 at half-past 1, Court of Bankruptcy, London, fin. div.—*Geo. Begg*, Exmouth-street and Wood-st., Clerkenwell, carpenter, April 25 at half-past 11, Court of Bankruptcy, London, fin. div.—*Wm. Woods*, sen., and *Wm. Woods*, jun., Newgate-st., general hardwaremen, April 27 at 2, Court of Bankruptcy, London, div. joint and sep. est.—*Geo. Gibson*, Ratcliff-high-way, upholsterer, April 27 at 1, Court of Bankruptcy, London, fin. div.—*Wm. H. Hutchins*, Whitechapel-road, linen draper, April 28 at half-past 11, Court of Bankruptcy, London, div.—*Fred. Burghart*, Clifford-street, Bond-street, tailor, April 28 at 1, Court of Bankruptcy, London, div.—*Edmd. Oakley and John Wise*, Poole, corn dealers, April 25 at 1, Court of Bankruptcy, London, div. joint and sep. est.—*Eliz. Frankland*, Reading, Berkshire, innkeeper, April 27 at 11, Court of Bankruptcy, London, div.—*James R. H. Withers*, Bristol, linen draper, April 25 at 2, Court of Bankruptcy, London, div.—*Thos. Geo. Martin*, Great Winchester-st., Old Broad-street, London, wine merchant, April 25 at half-past 1, Court of Bankruptcy, London, div.—*Jas. Maddock and R. Maddock*, Rosemary-lane, London, timber merchants, April 25 at 1, Court of Bankruptcy, London, div.—*Wm. Eccles and John Steeles*, Hatton-garden and Spring-gardens, tailors, April 25 at 12, Court of Bankruptcy, London, div.—*John Cameron*, Thos. Johnston, and *Wm. Bevern*, Henrietta-st., Westminster, tailors, April 25 at half-past 12, Court of Bankruptcy, London, div.—*H. J. Doubleday*, Minorities, oil and colour man, April 26 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Beestall*, Nottingham, draper, May 11 at 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Geo. Chibb*, Nottingham, licensed victualler, April 28 at 1, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Thos. Simpson*, Gateshead, Durham, painter, April 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Thos. Evans*, Welshpool, Montgomeryshire, and Oswestry, Shropshire, draper, April 28 at 2, District Court of Bankruptcy, Liverpool, div.—*Rich. Warren*, Liverpool, druggist, April 27 at 12, District Court of Bankruptcy, Liverpool, div.—*Geo. Scater*, Birmingham, japanner, April 28 at half-past 1, District Court of Bankruptcy, Birmingham, div.—*Geo. Joseph Green*, Birmingham, glass manufacturer, April 28 at 2, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Den. Button*, Albion-place, Battle-bridge, St. Mary, Islington, pawnbroker, April 25 at half-past 1, Court of Bankruptcy, London.—*John Midlane*, jun., Brading, Isle of Wight, ironmonger, April 25 at 2, Court of Bankruptcy, London.—*Jas. Pickering*, Bedford, upholsterer, April 25 at 3, Court of Bankruptcy, London.—*John Adams*, George-st., Spitalfields, furniture dealer, April 27 at 12, Court of Bankruptcy, London.—*Neil Currie*, Regent-street, army-accountment maker, April 27 at half-past 12, Court of Bankruptcy, London.—*R. Thornton*, jun., Beccles, Suffolk, beer brewer, April 27 at 11, Court of Bankruptcy, London.—*W. Cock*, Bungay, Suffolk, grocer, April 25 at 11, Court of Bankruptcy, London.—*Arth.*

*Matthews*, Robertsbridge, Salehurst, Sussex, apothecary, April 25 at 11, Court of Bankruptcy, London.—*Jireh Towne*, George-street, Spitalfields, chocolate manufacturer, April 28 at 11, Court of Bankruptcy, London.—*R. Elliott*, Sheffield, Yorkshire, merchant, May 5 at 11, District Court of Bankruptcy, Leeds.—*Rich. Cuming*, Plymouth, Devonshire, ship owner, May 3 at 12, District Court of Bankruptcy, Exeter.—*Wm. Morgan*, Cheltenham, Gloucestershire, builder, May 1 at 12, District Court of Bankruptcy, Bristol.—*John Elliott*, Sheffield, Yorkshire, merchant, May 5 at 11, District Court of Bankruptcy, Leeds.—*John Millard*, Cheltenham, Gloucestershire, upholsterer, May 1 at 1, District Court of Bankruptcy, Bristol.—*Edwd. Foster*, Sheffield, Yorkshire, grocer, May 1 at 11, District Court of Bankruptcy, Leeds.—*Mary A. Cross and Eliz. Cross*, Kingston-upon-Hull, spirit merchants, April 27 at 11, District Court of Bankruptcy, Leeds.—*Wm. Osburn*, jun., Leeds, Yorkshire, wine merchant, May 1 at 11, District Court of Bankruptcy, Leeds.—*John Swallow*, jun., and *G. Swallow*, Brow and Sterne Mills, Halifax, Yorkshire, corn millers, April 28 at 11, District Court of Bankruptcy, Leeds.—*G. Cobb*, Nottingham, victualler, April 28 at 1, District Court of Bankruptcy, Birmingham.—*Rich. Warren*, Liverpool, druggist, April 28 at 1, District Court of Bankruptcy, Liverpool.—*Alfred Birks*, Manchester, linen draper, April 26 at 11, District Court of Bankruptcy, Manchester.—*Rich. Holding*, jun., Blackburn, Lancashire, coal merchant, May 1 at 12, District Court of Bankruptcy, Manchester.—*George Thompson*, Manchester, solicitor, April 28 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before April 25.

*Fred. Rose*, Watton, Hertfordshire, innkeeper.—*F. Ford*, Aldgate, London, draper.—*J. P. Howard*, Attlebridge, Norfolk, maltster.—*Peter Blatchford*, Plymouth, Devonshire, miller.—*John Bear*, Ramsgate, Kent, draper.—*Wm. Bowler*, Castle-lane, Southwark, comb maker.—*John Whitehall*, Wellington, Shropshire, innkeeper.—*T. Frith*, Stafford, shoe manufacturer.—*George Olden*, New Sarum, Wiltshire, grocer.—*Martha Groves*, York, widow, joiner.—*Wm. Robins*, Stone, Staffordshire, ironmonger.—*W. H. Turner* and *T. B. Turner*, Blackburn, Lancashire, cotton spinners.—*Edw. Everall*, Liverpool, coal merchant.—*George C. Harril*, Bristol, auctioneer.—*Wm. Woods*, sen., and *Wm. Woods*, jun., Newgate-st., general hardwaremen.—*James Brown*, Birmingham, grocer.—*T. R. Atkinson*, Huddersfield, Yorkshire, woollen cloth merchant.—*J. B. Carey*, Nottingham, lace manufacturer.—*Thos. Evans*, Welshpool, Montgomeryshire, and Oswestry, Shropshire, draper.—*Wm. M'Pherson*, Hatton-wall, Middlesex, oil and colour man.—*Edward Burn*, St. Helen's-place, London, merchant.

## SCOTCH SEQUESTRATIONS.

*David Smith*, Edinburgh, merchant.—*John & Jas. Boyack*, St. Andrews, fleshers.—*J. T. Rattray*, Dundee, ironmonger.—*Thomas Henderson*, Perth, ironmonger.

## DECLARATIONS OF INSOLVENCY.

*Charles White*, Odiham, Southampton, tailor.  
*George Lawrence*, Evesham, Worcestershire, post master.  
*Joseph Waller*, Huddersfield, Yorkshire, general agent.  
*Wm. Stratford*, Cheltenham, Gloucestershire, watch maker.  
*J. Tattersall*, Birkby, Huddersfield, Yorkshire, bookkeeper.  
*John Lloyd*, Mitcheldean, Gloucestershire, licensed victualler.  
*Jos. Volland*, Pledwick, Sandall Magna, Yorkshire, farmer.  
*Thomas Lee*, Odiham, Southampton, tailor.  
*James W. Parker*, Leicester, commercial traveller.  
*James Longworth*, Little Bolton, Lancashire, dealer in malt.  
*Robert Taylor*, Milnrow, Butterworth, Rochdale, Lancashire, shoemaker.  
*Jas. Baron*, Butterworth, Rochdale, Lancashire, waste dealer.  
*R. Nield*, Wardleworth, Rochdale, Lancashire, roller coverer.  
*Robert Smith*, Wigginton, Yorkshire, farmer.  
*John Hawke*, Helston, Cornwall, hair dresser.  
*George Wilshere*, Ashton-common, Lemington, Wiltshire, cattle dealer.  
*Henry Booth*, Huddersfield, Yorkshire, grocer.  
*Geo. Henry Knott*, Croydon, Surrey, green grocer.  
*James Lucas*, Trowbridge, Wiltshire, postmaster.  
*Joseph Lowe*, Bridport-harbour, Burton Bradstock, Dorsetshire, lieutenant in the navy.  
*George Webb*, Winterbourne, Gloucestershire, cooper.

*George Furnival*, Bartington, Badworth, Cheshire, coal agent.  
*George Egerton*, Liverpool, theatrical manager.

### INSOLVENT DEBTORS.

*Saturday, April 1.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Jabez Hooper*, Abberley, Worcestershire, draper and grocer, No. 55,495 C.; *Henry Mountford*, assignee.—*J. Pugh*, Liverpool, news agent, No. 62,262 C.; *Henry Wardlaw*, assignee.—*Joseph Palin*, Middlewich, Cheshire, publican, No. 62,315 C.; *Wm. Chesworth*, assignee.—*Geo. Hadfield*, Holnwood, near Oldham, Lancashire, manufacturing chemist, No. 61,819 C.; *Joel Horwood*, assignee.—*Charles Harris*, Steeple Aston, Oxfordshire, musical instrument maker, No. 62,040 C.; *A. J. Scott*, *Jas. Wickens*, and *G. Wukelin*, assignees.—*John James*, Trevine, Llanrian, Pembrokeshire, carpenter, No. 62,228 C.; *James Harry*, assignee.—*Wm. Lott*, Beaumont sq., Mile-end-road, corn factor, No. 53,691 T.; *Alfred Clark*, assignee.—*Saml Wharmby*, Stockport, Cheshire, manager of a silk manufactory, No. 62,214 C.; *Wm. Pott*, assignee.—*Wm. Mercer*, Preston, Lancashire, assistant to a publican, No. 62,086 C.; *W. M. Lomas*, assignee.—*J. L. Cuyfau*, Great Yarmouth, Norfolk, attorney at law, No. 62,070 C.; *R. Chettleburgh* and *John Browne*, assignees.—*Mary Gaven*, Liverpool, out of business, No. 62,266 C.; *P. Haskayne*, assignee.—*Thomas Goymour*, Sudbury, Suffolk, butcher, No. 61,610 C.; *John Holdrich* and *John Watkinson*, assignees.—*Geo. W. Baker*, Elsing, Norfolk, farmer, No. 62,486 C.; *James Elvin* and *Peter Sharman*, assignees.—*P. Smith*, Cratfield, near Halesworth, Suffolk, blacksmith, No. 62,216 C.; *J. A. Ransome*, assignee.—*John Shaw*, Selby, Yorkshire, butcher, No. 61,917 C.; *Isaac Bell*, assignee.—*J. Davies*, Pantlyn, Llanybether, Carmarthenshire, farmer, No. 61,187 C.; *John Davies*, assignee.—*Thomas Wilson*, Prescott, Lancashire, painter, No. 61,737 C.; *Peter Wm. Leather*, assignee.—*Joseph Wood*, Edge-vale, Edge-hill, Liverpool, out of business, No. 62,092 C.; *Jonathan Phillips*, assignee.—*D. Rogers*, High Ousegate, Yorkshire, shoemaker, No. 61,954 C.; *Benjamin Agar*, assignee.—*I. Jones*, Clewer, near New Windsor, Berkshire, bricklayer, No. 61,424 C.; *Henry Monson*, assignee.—*John Dodd*, Liverpool, licensed victualler, No. 61,770 C.; *Thomas Bourne*, jun., assignee.—*W. Henthorn*, Butterworth, near Rochdale, Lancashire, contractor, No. 62,140 C.; *Patrick O'Donnell* and *Robt. Clegg*, assignees.—*Thomas Jagger*, Liverpool, licensed victualler, No. 61,496 C.; *Robert Richmond*, assignee.—*Wm. Parker*, Clitheroe, Lancashire, stone mason, No. 61,680 C.; *Robt. Stewart* and *John Haworth*, assignees.—*Wm. Brass*, Carr-hill, near Gateshead, Durham, publican, No. 61,707 C.; *James Somerville*, assignee.—*Joseph Attles*, Warrington, Lancashire, licensed victualler, No. 56,672 C.; *John Grice*, assignee.—*Jas. Pringle*, Gateshead, Durham, joiner, No. 61,067 C.; *John Ridley*, jun., and *James MacInnes*, assignees.—*Isaac W. Bridges*, Ipswich, Suffolk, dealer in corn, No. 61,717 C.; *Robt. Deck*, assignee.—*Joseph Bridge*, Blackburn, Lancashire, linen draper, No. 62,014 C.; *James Smith*, assignee.—*Samuel Waterman*, Crowfield, near Stonham Aspal, Suffolk, cattle dealer, No. 61,670 C.; *John Wythe*, assignee.—*Charles Leader*, Mount-street, Westminster-road, Lambeth, Surrey, carpenter, No. 53,646 T.; *W. R. Glasier*, assignee.—*Edwin Revell*, Lloyd's-row, St. John's-road, Clerkenwell, silversmith, No. 51,745 T.; *G. Simons* and *T. C. Sirrell*, assignees.—*Richard Steer*, Passmore-st., Pimlico, eating-house keeper, No. 58,708 T.; *Wm. Bradley*, assignee.—*Rich. Arthur*, Mitcham, Surrey, farmer, No. 54,680 T.; *Thomas Craig*, assignee.—*Robt. R. Alexander*, Belvedere-road, Lambeth, Surrey, currier, No. 42,695 T.; *Robt. Knight*, assignee.—*John Goodenough*, Stanmore-street, Somers'-town, baker, No. 54,426 T.; *Wm. Ward*, assignee.—*William Kelk*, Lower Grove-street, Commercial-rd., linen draper, No. 54,263 T.; *Jos. Collingham*, assignee.—*J. Davies*, Barton, Cheshire, tailor, No. 61,722 C.; *T. A. Whitakers*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, April 25 at 9.*

*Thos. G. Gabriel*, Holloway-place, Holloway, timber merchant.—*John Banbery*, Gloucester-place, George-st., Camberwell, Surrey, carpenter.—*John Whitaker*, Pilgrim-street, Ludgate-hill, shopman.—*John Smith*, jun., Old-street, St.

*Lake's*, chair maker.—*John Haw*, Well-street, Cripplegate, tailor.—*Wm. Aug. Peppiette*, Vauxhall-bridge-road, cabriolet proprietor.—*Sam. Toulon*, Greenwich, Kent, auctioneer.—*R. S. Parker*, Dalston-terrace, Dalston, coal merchant.—*Frank Hart*, Forest-row, Dalston, warehouseman to a wholesale baker.—*John Gooden*, Wilsted-street, Somers'-town, licensed victualler.

*April 27, at the same hour and place.*

*Anthony Bickmore*, Paradise-street, High-street, Marylebone, commission-agent.—*Ambrose Sawyer*, Leonard-street, Shoreditch, orange porter.—*Thos. Wilton*, Crisp-street, Poplar, sail-maker.—*Hannah Ireland*, Priory-road, Wandsworth-road, Surrey, spinster.—*Francis Kilburn*, Shand's-place, Peckham, Surrey, out of business.—*Wm. Vickars*, Charles-street, Middlesex-hospital, tailor.—*Abraham Myers*, Russell-place, Bow-street, lodging-housekeeper.—*Jas. Wigton*, Walworth, Surrey, lieutenant on half-pay in the 9th regiment of foot.—*Wm. Fairman*, Forest-row, near East Grinstead, Sussex, dealer in beer by retail.—*Nicholas Purcell*, Grove-place, North Briton, general shopkeeper.

*Court-house, LEICESTER, (County), April 27 at 10.*

*Joseph H. Lockyer*, Leicester, chemist.—*Henry Carnaugh*, Burbage, near Hinkley, batter.—*Hen. Green*, Leicester, out of business.—*Jos. Woollaton*, Sibley, near Loughborough, out of business.—*Thos. Stevens*, Leicester, licensed victualler.

*Court-house, COVENTRY, (City), April 26 at 10.*

*Robert M. Millan*, Coventry, out of business.—*Thos. Field*, Coventry, manager for a chemist and druggist.

### FRIDAY, APRIL 7.

#### BANKRUPTS.

**JOHN SHAW**, Seymour-place, Camden-town, St. Pancras, builder, April 21 at half-past 11, and May 19 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Pain & Hatherly, 5, Great Marlborough-street.—Fiat dated March 29.

**BENJAMIN VINES**, Poole, grocer, April 19 at 10, and May 23 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Terrell, Basinghall-street.—Fiat dated March 28.

**DAVID REDMUND** and **JOHN GOLLOP**, Charles-st., City-road, hinge manufacturers and ironfounders, April 21 at 10, and May 23 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Smithson & Mitton, Southampton-buildings, Holborn.—Fiat dated April 1.

**JAMES COE WALNE**, Stowmarket, Suffolk, wine and hop merchant, April 19 at 12, and May 17 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Jones & Co., John-street, Bedford-row.—Fiat dated March 9.

**CHARLES WILLSMER**, Tillingham, near Maldon, Essex, draper, April 18 at 2, and May 19 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Ashurst, Cheapside.—Fiat dated March 28.

**JOHN GEORGE**, Bread-street, Cheapside, and James-st., Hare-st., Bethnal-green, silk manufacturer, April 22 at half-past 11, and May 19 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Clark, 28, Finsbury-place, Finsbury.—Fiat dated April 4.

**THOMAS ROLPH**, New Bridge-street, London, merchant and land and commission-agent, April 22 at 1, and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lawrence & Blenkarne, Bucklersbury.—Fiat dated April 6.

**JOHN HENRY FULLER**, Flixton, logwood grinder, and Manchester, Lancashire, fustian manufacturer, April 19 and May 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Barratt, jun., Manchester; Bower & Back, 46, Chancery-lane.—Fiat dated April 4.

**JOHN WHITAKER**, New Church, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer and woollen printer, April 21 and May 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Chew, Manchester; Hargreaves, Newchurch, near Rochdale; Milne & Co., Temple.—Fiat dated March 28.

**JOHN NORMAN**, Wadebridge, Cornwall, grocer and talow chandler, April 20 at 2, and May 17 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Stogdon, Exeter; Loft & Potter, King-street, Cheapside.—Fiat dated March 20.

THOMAS MILNE WHITELEY, Liverpool, hatter, April 26 at 12, and May 26 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sol. Wason, Liverpool.—Fiat dated March 27.

HENRY LEWIS, Haverfordwest, cabinet-maker, upholsterer, coach-maker, and auctioneer, April 21 at 12, and May 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sol. Haberfield, Bristol.—Fiat dated March 27.

EDWARD DICKIN, Longdon, Shropshire, draper, grocer, and shopkeeper, April 17 and May 15 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Kough & Saxton, Shrewsbury; Tindal & Son, Birmingham.—Fiat dated March 28.

#### MEETINGS.

Charles Augustus Cantor, Upper Montague-street, Montague-square, merchant, April 18 at 11, Court of Bankruptcy, London, pr. d.—William John, Bridgewater, Somersetshire, hackneyman, May 3 at half-past 1, District Court of Bankruptcy, Exeter, ch. ass.—J. Aplin, Bicester, Oxfordshire, scrivener, April 19 at half-past 10, Court of Bankruptcy, London, last ex.—Ed. Austen, Walmer, Kent, grocer, April 17 at half-past 12, Court of Bankruptcy, London, last ex.—A. Brideson, Dublin, Ireland, provision merchant, April 18 at 12, Court of Bankruptcy, London, last ex.—M. Osbornow, Stockport, Cheshire, pawnbroker, April 10 at 11, Court of Bankruptcy, London, last ex.—E. Wright and G. Wright, Bodmin, Cornwall, brewers, May 3 at 1, District Court of Bankruptcy, Exeter, last ex.—Wm. Dunn, Barnstaple, Devonshire, currier, May 4 at 1, District Court of Bankruptcy, Exeter, last ex.—Jas. Twisse, Manchester, power-loom-cloth manufacturer, April 27 at 11, District Court of Bankruptcy, Manchester, last ex.—Wm. Robinson, Liverpool, dealer in cut and plain glass, April 21 at 12, District Court of Bankruptcy, Liverpool, last ex.—Th. McEaler, Liverpool, provision merchant, April 21 at 11, District Court of Bankruptcy, Liverpool, last ex.—Thomas Wisley, Westcroft-mills, King's-cross, Halifax, Yorkshire, silk-reve spinner, April 26 at 11, District Court of Bankruptcy, Manchester, last ex.—Thos. Jones, Hockliffe, Chalfont, Bedfordshire, farmer, May 2 at half-past 11, Court of Bankruptcy, London, and ac.—Sam. Partridge, Peerless-row, City-road, licensed victualler, May 1 at 1, Court of Bankruptcy, London, and ac.—Wm. Finch, Batchworth-house, Rickmansworth, Hertfordshire, miller, May 1 at half-past 12, Court of Bankruptcy, London, and ac.—J. Burdon, Bishopwearmouth and Southwick, Durham, ship builder, April 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—G. Thompson, South Shields, Durham, ship owner, May 1 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 2 at 12, div.—Jos. Lindon, Plymouth, Devonshire, merchant, May 3 at 12, District Court of Bankruptcy, Exeter, and ac.; May 4 at 12, div.—Edmd. Seddon, Shuttleworth, Bury, Lancashire, and Manchester, cotton spinner, April 26 at 2, District Court of Bankruptcy, Manchester, and ac.; April 27 at 2, fin. div.—John Muscaster, Lancaster, watch maker, April 28 at 12, District Court of Bankruptcy, Manchester, and ac.; at 1, fin. div.—Robert Tovey, Bristol, pawnbroker, May 5 at 11, District Court of Bankruptcy, Bristol, and ac.; May 9 at 11, div.—George Thorburn, St. Mary Axe, London, corn factor, May 2 at half-past 11, Court of Bankruptcy, London, div.—Thos. Smyth, Marchmont-st., Brunswick-square, perfumer, May 2 at half-past 1, Court of Bankruptcy, London, div.—W. Hooper, Reading, Berkshire, tobacco manufacturer, May 2 at 11, Court of Bankruptcy, London, div.—Wm. Cooper, Belfast, Antrim, Ireland, Manchester warehouseman, April 28 at 12, District Court of Bankruptcy, Manchester, div.—John Parker, Manchester, coach builder, May 2 at 12, District Court of Bankruptcy, Manchester, div.—Wm. Ward, Manchester, plumber, May 10 at 12, District Court of Bankruptcy, Manchester, div.—Samuel Brown, Liverpool, millwright, May 2 at 12, District Court of Bankruptcy, Liverpool, div.—James H. Allen, Porth Cawl, Newton Nottage, Glamorganshire, timber merchant, April 27 at 11, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Edwin Marriott, Northampton, draper, May 2 at 1, Court of Bankruptcy, London.—William Barnett, Sheerness, Kent, draper, May 2 at half-past 11, Court of Bankruptcy, London.—John Emson, jun., Sawbridgeworth, Hertfordshire, veteri-

nary surgeon, April 28 at half-past 12, Court of Bankruptcy, London.—John Orbell, Brundon, Essex, miller, May 5 at half-past 1, Court of Bankruptcy, London.—Charles Fish, Lincoln, butcher, May 2 at 11, District Court of Bankruptcy, Leeds.—Thos. Kilvington, Brough, Westmoreland, innkeeper, May 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—Jas. Sartain, Corsham, Wiltshire, cattle dealer, May 10 at 11, District Court of Bankruptcy, Bristol.—J. Spivey, Lepton, Kirkheaton, Yorkshire, provision dealer, April 29 at 1, District Court of Bankruptcy, Leeds.—John Moss, Haslingden, Whalley, Lancashire, cotton spinner, May 16 at 12, District Court of Bankruptcy, Manchester.—Thomas Lewis, Houghton, Lancashire, and Manchester, cotton manufacturer, May 3 at 12, District Court of Bankruptcy, Manchester.—Thos. Wilson, Liverpool, fancy-shawl dealer, May 3 at 11, District Court of Bankruptcy, Liverpool.—Thomas Barlow, Manchester, shoe dealer, May 1 at 1, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before April 28.

Wm. Brown, Oxford-st., upholsterer.—James James, Ross, Herefordshire, grocer.—Henry Edlin, Brighton, Sussex, hotel keeper.—Edward Cock, Plymouth, Devonshire, linen draper.—Edward Ollerenshaw, Manchester, hat manufacturer.—G. B. Orchard, Bath, Somersetshire, upholsterer.—M. Willock, Huddersfield, Yorkshire, merchant.—John Boone, Piccadilly, hatter.—Wm. Nicholson, Leeds, Yorkshire, banker.—David Marsden, Tredegar, Monmouthshire, linen draper.—J. Heap, Burnley, Lancashire, publican.—John Horden, Lad-lane, London, laceman.

#### PARTNERSHIP DISSOLVED.

James Collins and Wm. Mallow, Ledbury, Herefordshire, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

William Horne, Scouthel, grain dealer.—James Monteith, Alva, manufacturer.—James Duff, Kirkmichael, Perthshire, grazier and cattle dealer.

#### DECLARATIONS OF INSOLVENCY.

Samuel Medley, Marlborough-place, Lambeth, Surrey, clerk to a wine merchant.

John Achroyd, Idle, Calverley, Yorkshire, out of business.

Robert Marshall, Bradford, Yorkshire, and Manchester, commission agent.

Mark Ison, Frodealey, near Acton Burnell, Shropshire, brick and tile maker.

John Walkden, Blackburn, Lancashire, iron moulder.

H. Flack and C. Wright, Chelmsford, Essex, shoemakers.

William Teesdale, Sunderland near the Sea, Durham, out of business.

Anthony Morton, Foolow, Eyam, Derbyshire, smelter.

Edward Moore, North-place, Gray's-inn-road, St. Pancras, assistant to silk warehousemen.

Rich. N. Macnamara, Bowling-green-st., Kennington, Surrey, out of business.

Geo. Lanman, New Suffolk-st., St. Dunstan's, Stepney, tailor.

John Halliday, Shipley, Bradford, Yorkshire, clothier.

Edwin Bullen, South Island-place, Clapham-road, Lambeth, licensed victualler.

Thomas Matthews, Birmingham, grocer.

Rich. Kingdom, Stapleton, Gloucestershire, gardener.

James Press, Drummond-crescent, Euston-sq., cowkeeper.

John Martin, Wakefield, Yorkshire, boat builder.

Thomas Sheard, Manchester, commission agent.

Geo. Alex. Ray, Hanover-place, Regent's-park-road, St. Marylebone, private tutor.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, April 28 at 9.

W. P. Murray, Queen's Head-st., Haymarket, out of business.—Tobias Solomon, Pratt-st., Lambeth, Surrey, out of business.—James Webster, High Holborn, out of business.

Thomas Hayward, Ratcliffe-highway, baker.—Richard Hall, Frith-st., Soho, baker.—Hen. Craven, Hammersmith, grocer.

John Pitt, Crown-st., Finsbury, watchmaker.—Geo. W. Tucker, John-st., Fitzroy-sq., shopman.—F. Galante, Oxford-st., teacher of languages.—John Harrison, Bedford-st., Covent-garden, surgeon.

May 1, at the same hour and place.

S. B. Haley, Poland-st., Oxford-st., clock maker.—J. C.



*Webber*, Lichfield-st., Soho, saddler.—*Thos. W. Edwards*, Esq., Alpha-cottages, Regent's-park.—*Wm. Avery*, Pleasant-place, Clerkenwell, baker.—*Chas. Sexton*, Great Stanmore, Middlesex, butcher.—*Thomas Smith*, Burwood-mews, Burwood-place, Edgware-road, farrier.—*James Hellier*, Upper Mitcham, Surrey, plumber.—*Thos. Rhodes Palmer*, Chatham-place, Windmill-lane, Camberwell, Surrey, lodging-house keeper.—*Isaac Denning*, Rural-place, Mile-end-road, well digger.—*Robert Brodie*, Coppice-row, Clerkenwell, cabinet maker.

*Court-house*, NORTHAMPTON, (County), April 29 at 10.

*The Rev. R. P. Humphrey*, Thorpe Mandeville, clerk.—*J. Sanderson*, Thrapstone, saddler.—*Wm. Adams*, jun., Daventry, carrier.

#### MEETINGS.

*Wm. S. Page*, jun., Scarborough, Yorkshire, attorney, April 22 at 12, Guildhall Hotel, King-st., London, sp. aff.—*Mary Raine*, Benwell, Northumberland, widow, April 22 at 12, Souter's, Bigg-market, Newcastle-upon-Tyne, sp. aff.—*Benjamin Johnson*, Wye, near Ashford, grocer, April 11 at 1, Young & Son's, Mark-lane, London, sp. aff.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*Thomas Bayly Ransom*, of Sudbury, Suffolk; *Richard Underwood*, of Hereford.

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# The Jurist

No. 327.

APRIL 15, 1843.

With Supplement, 2s.

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, APRIL 15, 1843.

Of the numerous cases that have been determined within the last few years upon the Law of Patents, the most important by far is that of *Crane v. Price*, (see *Weekly Reports of Cases on Patents*, 377\*), a case which excited some surprise, and which has not met the general approbation of the profession, on account of the great length to which it has carried the doctrine of supporting patents for a combination of known things or processes.

The facts in the case of *Crane v. Price* on which the principal question of law turned, were few and simple. Before the year 1828, the manufacture of iron in blast furnaces, was conducted by means of what is technically called the "cold blast;" viz. the introduction into the furnace in which the fuel and the iron ore were mingled, of a blast or current of cold air. In the year 1828, Mr. Neilson obtained letters patent for the invention of a process of conducting into the furnace a blast of heated air instead of the cold blast; and that process was subsequently largely introduced in the manufacture of iron. The manufacture was most generally conducted by the aid of coke produced from bituminous or common pit coal; but for several years before the date of the plaintiff's patent, what is called stone or anthracite coal had been known, and it seems to some small extent used, as a fuel for smelting iron ore; but in using such anthracite coal, the cold blast only had been used; and this it seems was in fact the reason why it was, practically speaking, abandoned as a fuel for smelting iron in blast furnaces, because, owing to its peculiar properties, it is not well adapted for the manufacture of iron when the combustion is aided only by the introduction of cold air into

the furnace. The facts therefore established, as to the question what was known of the elements of the plaintiff's combination before the date of his patent, were, that in the smelting of iron ore in blast furnaces, firstly, the introduction of the *hot blast* combined with the use of *bituminous coal* was known; secondly, that the use of the *anthracite coal* with the *cold blast* was known; but thirdly, that the use of the *anthracite coal* in combination with the *hot blast* was not known; and for that combination, the plaintiff obtained in 1837 the letters patent which were called in question in the action.

The principal question in the cause, and that to which these observations are addressed, was, whether, on such an admitted state of facts, the plaintiff's combination was a "manufacture" within the statute of James; and the court determined that it was. "In order," said Lord Chief Justice Tindal, in delivering the opinion of the court, "in order to determine whether the improvement described in the patent is or is not a manufacture within the statute, we must in the first place ascertain precisely what is the invention claimed by the plaintiff; and then, by the application of some principles admitted and acknowledged in the application of the law relating to patents, and by the authority of decided cases, determine the question in dispute between the parties. The plaintiff describes the object of his invention to be, the application of anthracite or stone coal combined with hot-air blast, in the smelting or manufacture of iron from ironstone, mine, or ore, and states distinctly and unequivocally at the end of his specification, that he does not claim the use of a hot-air blast separately as of his invention, when uncombined with the application of anthracite or stone coal. Nor does he claim the application of anthracite, or stone coal, when uncombined with the using of hot-air blast; but what he claims as his invention is, the application of anthracite or stone coal and culm, combined with the using of hot-air blast, in the smelting and manufacture of iron from

\* See also a well-written pamphlet by Mr. Rowland, Solicitor, published shortly after the decision of the case, containing much useful information and discussion on the subject.

ironstone, mine, or ore. And the question therefore becomes this—whether, admitting the using of the hot-air blast to have been known before in the manufacture of iron with bituminous coal, and the use of anthracite or stone coal to have been known before in the manufacture of iron with cold blast, but that the combination of the two together (the hot blast and the anthracite) were not known to be combined before in the manufacture of iron, whether such combination can be the subject of a patent.

“We are of opinion, that if the result produced by such a combination is either a new article or a better article, or a cheaper article to the public, than that produced before by the old method, that such combination is an invention or manufacture intended by the statute, and may well become the subject of a patent. Such an assumed state of facts falls clearly within the principle exemplified by Abbott, C. J., where he has determined what is or what is not the subject of a patent, namely, it may perhaps extend to a new process to be carried on by known implements or elements acting upon known substances, and ultimately producing some other known substance, but producing it in a cheaper or more expeditious manner, or a better or more useful kind. And it falls also within the doctrine laid down by Lord Eldon, that there may be a valid patent for a known combination of materials previously in use for the same purpose, or even for a new method of applying such materials. But the specification must clearly express, that it is in respect of such new combination or application.” And his Lordship then proceeded to mention several cases\* as instances of patents being supported, “where the invention consisted in no more than the use of things already known, and acting with them in a manner already known and producing effects already known, but producing those effects so as to be more economically and beneficially enjoyed by the public.”

The cases referred to in the judgment in *Crane v. Price* are perhaps not strictly similar in their circumstances to that case; because they were none of them cases in which the mere combination constituted the entirety of the invention. They were properly not cases of new combinations of old things, but of the discovery of special new uses for old things. In Hall's patent, for instance, the essence of the invention was a new mode of using, or a new use of a known thing, viz. the use of the flame of gas for singeing the fibres of a filamentous fabric, whereas before the patent such flame had only been used for the purposes of illumination, or other purposes quite different from that of burning away the fibres of lace. In Derosne's patent again, the invention was not the combination of any old or new processes, but the application of a filter of granulated charcoal to a use to which it had not been before applied, viz. the purification of the syrup of sugar. The filter of granulated charcoal was not, it is true, new as a filter generally, nor was the filtration of syrup of sugar, generally speaking, new; but the syrup of sugar had never been filtered through a bed of granulated charcoal. There was therefore the discovery of a use

for such a filter, to which it had not been in any sense applied. So, again, in Daniell's patent, the invention was a new application of hot water; that is, an application of it to produce an effect, to obtain which hot water had not been applied before. This, however, is not precisely the state of things in the invention of the plaintiff in *Crane v. Price*. There, anthracite coal was known as a fuel for smelting iron ore; and the hot blast known as an agent for assisting combustion in the same process. The patentee had therefore not discovered a new use either for anthracite coal, or for the hot blast, since he used them both to produce what they had been already used to produce; what he did invent was the combination into one process of two elements, which had theretofore been separately used in a process of an analogous nature.

But although these cases may differ somewhat from *Crane v. Price* in the particular observed, they all involve, and in fact proceed upon one general principle, within which the invention in *Crane v. Price* also falls, viz. that in all of them there was some process which, however the novelty might be composed, was de facto as a specific process new, and productive of beneficial results. That this ingredient entered into the cases relied upon in the judgment in *Crane v. Price* is clear; and that this is really the principle of that judgment we think may be collected, not only from the passages we have already cited, but from the expressions used by the court immediately after referring to those cases.

“The only question, therefore,” said the Chief Justice, “that ought to be considered on the evidence is, was the iron produced by the combination of the hot blast and the anthracite, a better or a cheaper article than was before produced from the combination of the hot blast and the bituminous coal; and was the combination, described in the specification, new as to the public use thereof in England? And, upon the first point, upon looking at the evidence in the cause, we think there is no doubt, that the result of the combination of the hot blast with the anthracite on the yield of the furnaces was more; the nature, properties, and quality of the iron better, and the expense of making the iron less, than it was under the former process, by means of the combination of the hot blast with the bituminous coal.”

One reason, perhaps, why the decision in *Crane v. Price* has been thought on a superficial examination to carry the doctrine of combination to a scarcely tenable length, is the extreme simplicity of the invention, the apparent facility of discovering the combination forming the subject of the patent; but another and more powerful one is the singular effect which must result from it on the public, and on the preceding patent for the hot blast. It is clear, that, before Crane's patent, any person using anthracite coal in his furnace, might have altered his blast to the hot-air blast by using Neilson's patent. If he had then simply continued to use (without any premeditation of invention) the fuel he had been accustomed to use, he would unconsciously have fallen on Crane's invention. But the effect of Crane's patent on any such person is, that if he exercises the right which he undoubtedly has, viz. the right to purchase and use Neilson's invention, he must not merely refrain from commencing, but dis-

\* Hall's patent, Derosne's patent, Hill's patent, and Daniell's patent.

continue the use of that which it was also his undoubted right to use, viz. the anthracite coal.

Now, suppose the case, (not a probable one, it must be admitted, but a possible one, and therefore a fair mode of testing the principle), suppose we say the case to occur, that bituminous coal should cease for any reason to be an available fuel for smelting iron, and that anthracite coal were entirely to supersede it, the effect would be, (if *Crane v. Price* is supported), that Neilson's patent could not be used without a license from Crane, and anthracite coal could not be used without a license from Neilson. In other words, the effect of the decision is to deprive the public of one or other of two rights that they clearly had before Crane's patent, and to import into Neilson's patent a term which is not found in it, viz. an exception from the subject-matter to which the hot blast may be applied, of the particular fuel called anthracite coal.

The objection first noticed loses much of its force, if we recollect that, in fact, in nearly all cases of mechanical improvements, inventions rarely consist of anything else but combinations more or less complex, of things well known separately. Viewed in reference to this objection, the decision in *Crane v. Price* neither establishes any new rule nor carries the old one further than it has been carried before; and, in truth, merely follows and more definitely confirms the settled doctrine of the Law of Patents, that a process which is new (no matter how the novelty is constituted), and which produces to the public a better result, (no matter what is the particular species of advantage), is a manufacture, and a fit subject for a patent.

But the other objection seems more difficult to remove; for a patent which requires, as one of the conditions of its existence, that the public should cease to exercise one or other of two rights, which before the patent it might have exercised concurrently, seems not quite within the spirit at least of the words of the statute, "a new manufacture within this realm, which *alters at the time of making such letters patent and grants shall not use.*"

It is true, that, in the ordinary case of patents for combinations, the public has before the date of the patent the right to use either element of the combination separately, and to combine them if it can discover the combination; but then by forestalling others in the discovery, an inventor does not exclude them from the use of anything they had used before; whereas the peculiarity of this case is, that the public being in possession and actual use of a particular mode of working their furnaces, viz. by anthracite coal, cannot apply a known improvement (the hot blast) which is applicable to their furnaces whatever may be the fuel used, unless they discontinue the use of the fuel they have used, and introduce another. We are not aware of any decided case in which this singular feature is to be found; and viewed in reference to these peculiar circumstances, it must be admitted at least that the decision in *Crane v. Price* is very strong, and goes far beyond any of the authorities preceding it.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—Edmund Wardroper, of Midhurst, Sussex; George Tucker, of Exeter; George Master, of Catton, near Norwich.

## ON THE FORM OF ASSURANCES BY TENANTS IN TAIL AND MARRIED WOMEN.

Our attention has been called to one of those delicate and far-fetched doubts (as we take it to be) which often flourish for many years and even produce fruit (in the shape of costs) in the conservatories of conveyancers' chambers, but which never survive even a single exposure to the rude and inclement atmosphere of the courts. The doubt to which we allude is shortly this: whether a married woman or a tenant in tail can convey an estate, under the provisions of the Fines and Recoveries Abolition Act, by a release executed in pursuance of Mr. Stewart's Act, without a lease for a year. So far from being able to enlighten our correspondents on this subject, we should be glad if they would give us some information respecting it; for at present we are at a loss to conceive upon what reasoning the difficulty is founded. All that we know is, that several conveyancers of talent, and one or two of some eminence, have refused to accept titles depending upon the validity of such assurances; but we have not seen any statement of the grounds of their objection. All we can do, therefore, is to state our own reasons for holding that such conveyances are perfectly effectual for the purpose of conveying the estates of married women, and of barring estates tail. The objection derives importance from the mere fact of its existence, however frivolous and untenable it may be in itself, because no one will choose to take a conveyance with the risk of having his title rejected when he offers it for sale or as a security. So long as the doubt is entertained even in a few chambers, for so long is the beneficial operation of Mr. Stewart's Act suspended; and the saving effected under it by omitting the lease for a year is not trifling when the assurance is to be inrolled.

The objection, as we understand it, is this: that Mr. Stewart's Act supplies the want of *execution* of the lease for a year, but does not supply the want of *inrolment* or of *acknowledgment* of it; which is true; and hence it is concluded, illogically enough, that, if in any case it is necessary to inrol or to acknowledge the lease for a year when executed, in such case a simple release in pursuance of Mr. Stewart's Act is not sufficient. We deny, however, in the first place, that it is necessary to inrol or acknowledge the lease for a year when executed; and in the next place, even if such inrolment or acknowledgment were necessary, we assert that a conveyance under Mr. Stewart's Act duly inrolled or acknowledged is sufficient. The act in question (4 & 5 Vict. c. 21, s. 1) enacts, "That every deed or instrument of release of a freehold estate, or deed or instrument purporting or intended to be a deed or instrument of release of a freehold estate, which shall be executed on or after the 15th May, 1841, and shall be expressed to be made in pursuance of this act, shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and in equity as if the releasing party or parties who shall have executed the same, had also executed in due form a deed or instrument of bargain and sale or lease for a year, for giving effect to such release." The act plainly supplies nothing but the execution of the lease for a year; and, therefore, as we have observed in another place, it is questionable whether a corporation can convey under the act. (Ante, Vol. 5, p. 618).

The next question then is, does the stat. 3 & 4 Will. 4, c. 74, require anything more than the execution of the lease for a year in a conveyance intended to take effect under its provisions? We will take first the case of a disentailing assurance by tenant in tail. The only clause affecting this question is the 46th, which enacts, "That every disposition of lands made by a te-



nant in tail thereof, shall be effected by some one of the assurances (not being a will) by which such tenant in tail could have made the disposition, if his estate were an estate at law in fee-simple absolute: provided nevertheless, that no disposition by a tenant in tail shall be of any force either at law or in equity under this act, unless made or evidenced by deed." Suppose A. to be tenant for life with remainder to B. in tail; A. as protector consents that B. shall bar the entail, but does not intend to convey his own estate; can any one doubt that a deed of grant by B., in which A. shall join to testify his consent, and duly inrolled, will be sufficient? The conveyance is to be such a one as would be sufficient if the tenant in tail's estate were an estate in fee-simple absolute, i. e. a fee-simple unconditional and indefeasible. The act does not say a fee-simple in actual possession and occupation; and where the estate tail is in remainder or reversion, the conveyance is sufficient if it would convey a fee-simple in remainder or reversion. If the tenant in tail has executed a lease, (whether under a power or out of his ownership is immaterial; for in either case his estate tail is turned into a reversion\*), without any ulterior object, and afterwards agrees to sell the inheritance to his tenant, can any one doubt that a mere release inrolled would effect the object? And if so, what difference can it make at law that the lease was executed for the purpose of giving effect to the release? In short, the bargain and sale for a year is good, independently of the statute, and the only assurance which operates under the statute is the disentailing release. It is said that the lease and release are *one assurance*, and must be treated as one assurance under the act. What this means we do not know; but what we do know is, that this one assurance consists of two deeds, one of which must be executed before the other, and when so executed is perfectly and completely operative, whether made by a tenant in tail, or by a tenant in fee, without the aid of any act of parliament whatever besides the Statute of Uses.

We now come to the conveyance by a married woman. The sections on which the effect of such a conveyance depends are the 77th and the 79th. The former enacts, that it shall be lawful for every married woman (except in the case of her being a tenant in tail, which is provided for elsewhere) "*by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, release, surrender, or extinguish any estate which she alone, or she and her husband in her right, may have in lands of any tenure &c. as fully and effectually as she could do if she were a feme sole*, save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual, unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed." The 79th section requires the inrolment of "every deed to be executed by a married woman for the purposes of this act." A husband and his wife in right of the wife are entitled to an estate in fee-simple in possession; the husband executes a lease for a year, whereupon the estate which the wife or her husband in her right has in the land, then becomes a fee-simple in reversion expectant on the term of one year. Such an estate, if the wife had it in herself, and were a feme sole, she could dispose of to the bargainee for a year by release, and such release, executed and acknowledged by her with her husband's concurrence, will operate, as we humbly conceive, under the act. The lease for a year is what the husband can make without his wife's concurrence, and that being made, the release is the proper

\* The tenant in tail, though his power of alienation is controlled by the statute *de donis*, has the entire estate tail in him, and therefore his demise, though voidable by the issue, turns the estate tail into a reversion. (*Doe d. Southouse v. Jenkins*, 3 M. & P. 59).

assurance, and that alone which requires the aid of the statute.

We have hitherto assumed that the objection would have weight if it were shewn to be necessary to inrol or acknowledge the lease for a year when executed; but granting that to be so, there remains another and a shorter, but equally conclusive answer. The object of the statute is to give to tenants in tail and married women the same power of alienation in every respect that tenants in fee-simple and *femes sole* their contemporaries may have, subject only to the restriction that they must aliene by deed, and such deed must be inrolled in the one instance and acknowledged in the other. If a new instrument of conveyance were introduced by the legislature, the *parallelogramlet*, for instance, of Lord Campbell, such an instrument, being sealed and delivered, and inrolled or acknowledged, would operate under the stat. 3 & 4 Will. 4, c. 74, being (in the case of a tenant in tail) "one of the assurances by which the tenant in tail could have made the disposition if his estate were an estate at law in fee-simple absolute," that is to say, could have made the disposition at the time when he does make the disposition under the act, and being (in the case of a married woman) a deed effectual to dispose of lands &c. belonging to a feme sole. It is to no purpose to object that the stat. 4 & 5 Vict. c. 21, supplies the want of certain solemnities only. The short answer is, that, no matter how, a deed executed in pursuance of that act is a deed by which a tenant in fee-simple absolute or a feme sole can dispose of his or her estate.

We conclude, as we commenced, with an apology for bestowing so much notice upon so visionary a crotchet. The consideration of the serious expense and annoyance which it has already occasioned, and may again occasion, must be our excuse, especially when we find the authority of writers so distinguished as Mr. Hayes and the Lord Chancellor of Ireland cited in its support. The former gentleman, writing before the passing of Mr. Stewart's act, expressly directs the inrolment of the lease for a year; (*Conveyancing*, Vol. 1, p. 161; Vol. 2, p. 175); and having in the same place taken the distinction, that when a married woman joins for the purpose of releasing her dower, it is necessary only that she should execute and acknowledge the release, directs, that, in the case of a *conveyance*, she should execute and acknowledge the lease for a year, and that it should bear a separate memorandum of acknowledgment; (*Id.* p. 222); and Sir E. Sugden also insists, that both deeds must be inrolled. (*2 Vend. & Purch.* p. 290, 10th ed.). But neither writer gives any reason for his opinion.

We may take this opportunity of mentioning another difficulty as to the construction of the stat. 4 & 5 Vict. c. 21, which has a greater appearance of substance in it than that which we have been considering. The act was originally very ill drawn, and it has not been improved by some alterations that were proposed and adopted with very little consideration. The second section, after reciting that leases for a year are frequently lost, enacts, that where the lease for a year shall be recited or mentioned in a release executed before the 15th May, 1841, such recital or mention shall be deemed conclusive evidence of the lease for a year and such release shall have the like effect, "as if the same had been executed after the 15th May, 1841." It is not very likely that a release, executed before the passing of the act, will be found to contain a reference to the act; and yet, unless it does contain such reference, to alter its date to a day subsequent to the passing of the act, cannot aid its operation. The clause should have proceeded to say, "and had been expressed to be made in pursuance of this act." These words would probably be implied for the purpose of giving effect to the enactment, but the previous part of the clause, which declares that the recital of the lease for a

year shall be conclusive evidence of it, removes all difficulty. We transcribe the remainder of the section for the entertainment of such of our readers as have a taste for the investigation of useless puzzles. "Provided always, that this act shall not prejudice or affect any proceedings at law or in equity pending at the time of the passing of this act, in which the validity of any bargain and sale or lease for a year shall be in question between the party claiming under such bargain and sale or lease for a year and the party claiming adversely thereto; and such bargain and sale or lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by this act." This reminds us of a proviso in one of the acts relating to the duties on stained paper, to the effect "that nothing in this act contained shall affect or be held to affect *manufacturers of roneyar*."

## Imperial Parliament.

### HOUSE OF LORDS.

Tuesday, April 11.

The Registration of Voters' Bill was brought up from the Commons and read a first time.

### HOUSE OF COMMONS.

Monday, April 10.

On the question being put that the Bill for the Registration of Voters should pass, Sir Thomas Wilde addressed the House at great length on the 42nd, 43rd, 58th, 72nd, and 94th clauses, those affecting the question of the transfer of the jurisdiction to decide on the right of voting, to the revising barristers and the courts of law. The learned member objected to submitting the decision of questions of fact to young barristers, and the ultimate decision of questions of law to the judges. He objected most particularly to the mode in which the appeal was to be conducted; a mode which he contended left it to such young barristers in effect to decide whether appeals should be presented or not, and to determine also the mode in which the cases for the opinion of the superior court should be framed; a power in the exercise of which he produced instances to shew that the most experienced judges were liable to err. He objected also wholly to the nomination of the revising barristers being vested in the judges, as a provision full of danger to the independence of the bar, and giving to the judges an improper species of patronage. He concluded by moving the omission of the 42nd clause.

The motion was opposed by Sir James Graham and The Attorney-General, and the House then divided and passed the Bill by a majority of 76; the numbers being 102 and 26.

Tuesday, April 11.

The debate on the Ecclesiastical Courts bill, which had been adjourned on the preceding evening, was fixed for the 28th instant.

## Court Papers.

### CAUSE LISTS.—EASTER TERM, 6 VICT.

#### Court of Queen's Bench.

##### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER HILARY TERM, 1843.

EASTER TERM, 1842.  
Liznet v. Chaffers & an.  
Breene v. Bradley & ors.  
Same v. Jerdein, Beaumont, & Bradley  
Same v. Jerdein sued with ors.  
The Queen v. Nott  
The Mayor &c. of Exeter v. Warren  
Bruce v. Thomson  
Doe d. Jackson v. Jackson  
Doe d. Earl Orford v. Kemp

Purcell v. Cuming & ors.  
Liddiard v. Skelton  
Hopkinson v. De Medina  
Renno v. Smith  
Doe d. Bell & ors. v. Beckett  
Wilson v. Sewell  
Collis v. Stone  
Pepper v. Bernard & an.  
Doe d. Timmis v. Steele & an.  
Jones v. Ellis  
Davies v. Jones  
Doe d. Williams v. Williams

Jones v. Thomas & ors.  
John v. Saer & an.  
Oldfields v. Williams

##### TRINITY TERM, 1842.

Poor v. Ambler  
Magnay & an. v. Monger  
Evans & an. v. Collins & an.  
Same v. Same  
Ashley v. Gibbs & an.  
Same v. Same  
Hunter v. Neck  
The Queen v. Meyer Albert

##### MICH. TERM, 1842.

The Queen v. Walton  
Iveson v. Hemming  
Wilson v. Maclean  
Green v. Elgie & an.  
Hayes v. Caulfield  
Rose v. East India Company  
The Queen v. Bynner  
Morrell & ors. v. Parker  
Flower v. Taylor  
White v. Bruce & an.  
Clough & an. v. Taylor & ors.  
Clark & ors. v. Tucker  
Atkinson v. Spindler & ors.  
Gibson v. Spindler  
Carr v. Smith  
Bold & an. v. Rotheram  
Marshall & an. v. Lamb  
Burdie v. Crowdace & an.  
Burdie v. Foster & an.  
Sinkinson v. Gardner  
Doe d. Fowler & ors. v. Clark  
Thorold v. Dixon  
Doe d. Brumby v. Levesedge  
Doe d. Earl Warwick v. Cook  
Clayton v. Corby  
Bosanquet & ors. v. Woodford

Webber v. Richards  
Lake v. Arundell  
Wheeler v. Branscombe  
Webb v. Burns  
Doe d. Bake & ors. v. Derry  
Frampton v. Shennan  
Doe d. Croft & ors. v. Hatter  
Williamson v. Adams & ors.  
Harding v. Harper  
Garbett v. Veale & an.  
The Queen v. The Inhabitants of Adderbury Ease  
Greville v. Chapman & ors.  
The West London Railway Co. v. Bernard  
Upham v. Goldstone  
Lancaster v. Wisby  
Johnson v. Wood  
The Mayor &c. of Colchester v. Brooke  
The Corporation of Colchester v. Same  
Allen v. Hayward  
Simpson v. Coates  
Doe d. Jones & ors. v. Harrison  
Bell v. Shelton & an.  
Jones v. Thomas  
Williams v. Hughes & ors.

##### HILARY TERM, 1843.

Carpue v. The London and Brighton Railway Co.  
Sexton v. Dennis  
Huggens v. Coates  
Holloway v. Turner & an.  
Hare v. Barstow  
Bailey v. Triebner  
Wood & ors. v. Tassell  
Justice v. Gower  
Evelyn v. Chippendale  
Reid v. Orbell

### SPECIAL PAPER.

Usher v. Walters  
Same v. Same  
Doe d. Bishop of Durham v. Wharton & an.  
Graham & ors. v. Bennett  
Cook v. The Aylesbury Railway Company  
Alexander v. Martin  
Wylie v. Birch  
Lyall & an. v. Higgins  
Blanchenny v. Burt & ors.  
Walker v. Maclean  
Willoughby v. Willoughby  
Lovell & an. v. Woolley  
Kelly v. Elam  
Cock v. Parker  
Burbidge & an. v. Burbidge  
Henniker & ors. v. Wigg & ors.  
Cheval v. Duke of Beaufort  
Ruffles v. Cock & an.

Herbert v. Sayer  
Lewis v. Nixon  
Nash & an. v. Allen  
Tweedale v. Spivey  
Franklin v. Hodgkinson & an.  
Bright v. Beare  
Pennell v. Attenborough  
Davis v. Swift  
Belcher & ors. v. Farnell & an.  
Magnus v. Hale  
De Barnard v. Spalding  
Price v. Dunn  
Doe d. Hartridge v. Gilbert  
Amiot v. Munro  
Bowdon v. Hall  
Prentice v. Harrison & an.  
Worrall v. Ocklestone  
Firmstone v. Burgess  
Gaunt v. Fenner

### ENLARGED RULES

FOR EASTER TERM, 1843.  
First Day.

Williams & Wife v. Panton  
Fellowe & an. v. Swainson  
Moore & an. v. Cook  
Peirce v. Derry  
Elderton v. Taylor & an.  
Stannard v. Bush  
Bosanquet v. Graham  
Same v. Buchan & an.  
Same v. Graham  
Same v. Coates  
Same v. Graham  
Same v. Jackson  
In re Guardians of Witham Union v. Scott & an.

The Queen v. The Gt. North of England Railway Co.  
The Queen v. The Justices of Middlesex  
The Queen v. Harman  
The Queen v. Fry & ors.  
The Queen v. The Commissioners of Bury Harbour  
The Queen v. The Chapelwardens of Marchington  
The Queen v. The Churchwardens of St. Pancras  
The Queen v. The Mayor &c. of Leeds  
The Queen v. The Aldermen &c. of Malmesbury

The Queen v. The Justices of Kent  
 The Queen v. The Inhabitants of St. Mary Whitechapel  
 The Queen v. The Mayor &c. of Dartmouth  
 The Queen v. Fowler  
 The Queen v. The Council of Stamford

#### Second Day.

Snow v. Lovatt  
 Rumbelow v. Rumsey  
 Sherrin v. Marshall & an.  
 Ex parte Marr  
 In the matter of Postlethwaite  
 Doe d. Murrell v. Algar  
 Hayward v. Heffer & an.  
 The Queen v. The Governors of Tancred's Charities  
 The Queen v. The President &c. of St. John's College, Oxford  
 The Queen v. The Justices of Lancashire  
 The Queen v. James

#### Third Day.

Nicholls v. Hunt  
 Nicholls v. Earp  
 Bland v. Dax  
 Tomlinson v. Bolland  
 Mears v. O'Brien  
 Keogan v. Moseley  
 The Queen v. Preece  
 The Queen v. Scott & ors.  
 The Queen v. The Inhabitants of Pembridge  
 The Queen v. The Manchester and Leeds Railway Co.  
 The Queen v. The Justices of Cambridge  
 The Queen v. Brown

#### Fourth Day.

Ex parte Hankey and Wife  
 Corker v. Ward  
 Levy v. Coyle  
 Rogers v. Harold

Wednesday, April 25.

The Queen v. Buckley

Wednesday .... 10 Petitions in General Paper.  
 Thursday ..... 11 Motions.

#### At the Rolls.

Friday ..... 12 { Short Causes after swearing in the Solicitors.  
 Short Causes, Consent Causes, and Consent Petitions, every Tuesday, at the Sitting of the Court.

#### Vice-Chancellors' Courts.

Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.

Saturday .. April 15 }  
 Monday ..... 17 } Holidays.  
 Tuesday ..... 18 }  
 Wednesday ..... 19 } Motions.  
 Thursday ..... 20 } (Petition Day).—The Adjourned and New Petitions.  
 Friday ..... 21 } Unopposed Petitions, Short Causes, and Ditto.  
 Saturday ..... 22 }  
 Monday ..... 24 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Tuesday ..... 25 }  
 Wednesday ..... 26 }  
 Thursday ..... 27 } Motions.  
 Friday ..... 28 } Unopposed Petitions, Short Causes, previous to General Paper.  
 Saturday ..... 29 }  
 Monday .... May 1 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Tuesday ..... 2 }  
 Wednesday ..... 3 }  
 Thursday ..... 4 } Motions.  
 Friday ..... 5 } Unopposed Petitions, Short Causes, previous to General Paper.  
 Saturday ..... 6 }  
 Monday ..... 8 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Tuesday ..... 9 }  
 Wednesday ..... 10 }  
 Thursday ..... 11 } Motions.

Before VICE-CHANCELLOR KNIGHT BRUCE, at Westminster.

Saturday .. April 15 }  
 Monday ..... 17 } Holidays.  
 Tuesday ..... 18 }  
 Wednesday .... 19 } Motions and Causes.  
 Thursday ..... 20 } Petitions and Causes.  
 Friday ..... 21 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Saturday ..... 22 } Unopposed Petitions, Short Causes, and Ditto.  
 Monday ..... 24 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Tuesday ..... 25 }  
 Wednesday ..... 26 }  
 Thursday ..... 27 } Motions and Ditto.  
 Friday ..... 28 } Unopposed Petitions and Short Causes previous to General Paper.  
 Saturday ..... 29 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Monday .... May 1 } Bankrupt Petitions.  
 Tuesday ..... 2 } Unopposed Petitions, Short Causes, and Ditto.  
 Wednesday ..... 3 } Bankrupt Petitions.  
 Thursday ..... 4 } Motions and Causes.  
 Friday ..... 5 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Saturday ..... 6 } Unopposed Petitions, Short Causes, and Ditto.  
 Monday ..... 8 } Bankrupt Petitions.  
 Tuesday ..... 9 } Pleas, Demurrers, Exceptions, Causes, and Further Directions.  
 Wednesday ..... 10 }  
 Thursday ..... 11 } Motions and Ditto.

His Honor will sit at Lincoln's Inn on the 12th and 13th May, to hear Bankrupt Petitions and Motions in Bankruptcy.

Before VICE-CHANCELLOR WIGRAM, at Westminster.

Saturday .. April 15 }  
 Monday ..... 17 } Holidays  
 Tuesday ..... 18 }

### EQUITY SITTINGS EASTER TERM, 1843.

#### Court of Chancery.

Before the LORD CHANCELLOR, at Westminster.

Saturday .. April 15 }  
 Monday ..... 17 } Holidays.  
 Tuesday ..... 18 }  
 Wednesday ..... 19 } Appeal Motions.  
 Thursday ..... 20 } Petition Day.  
 Friday ..... 21 }  
 Saturday ..... 22 }  
 Monday ..... 24 } Appeals.  
 Tuesday ..... 25 }  
 Wednesday ..... 26 }  
 Thursday ..... 27 } Appeal Motions.  
 Friday ..... 28 }  
 Saturday ..... 29 }  
 Monday .... May 1 } Appeals.  
 Tuesday ..... 2 }  
 Wednesday ..... 3 }  
 Thursday ..... 4 } Appeal Motions.  
 Friday ..... 5 }  
 Saturday ..... 6 }  
 Monday ..... 8 } Appeals.  
 Tuesday ..... 9 }  
 Wednesday ..... 10 }  
 Thursday ..... 11 } Appeal Motions.

Such days as his Lordship is occupied in the House of Lords excepted.

#### Rolls Court.

Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.

Wednesday, April 19 } Motions.  
 Thursday ..... 20 } Petitions in General Paper.  
 Friday ..... 21 }  
 Saturday ..... 22 } Pleas, Demurrers, Causes, Further Directions, and Exceptions.  
 Monday ..... 24 }  
 Tuesday ..... 25 }  
 Wednesday ..... 26 } Motions.  
 Thursday ..... 27 }  
 Friday ..... 28 }  
 Saturday ..... 29 } Pleas, Demurrers, Causes, Further Directions, and Exceptions.  
 Monday .... May 1 }  
 Tuesday ..... 2 }  
 Wednesday ..... 3 }  
 Thursday ..... 4 } Motions.  
 Friday ..... 5 }  
 Saturday ..... 6 } Pleas, Demurrers, Causes, Further Directions, and Exceptions.  
 Monday ..... 8 }  
 Tuesday ..... 9 }

Wednesday .....	19	Motions and Causes.
Thursday .....	20	Petitions and Causes.
Friday .....	21	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	22	Unopposed Petitions, Short Causes, and Ditto.
Monday .....	24	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	25	
Wednesday .....	26	
Thursday .....	27	Motions and Ditto.
Friday .....	28	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	29	Unopposed Petitions, Short Causes, and Ditto.
Monday .....	May 1	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	2	
Wednesday .....	3	
Thursday .....	4	Motions and Ditto.
Friday .....	5	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	6	Unopposed Petitions, Short Causes, and Ditto.
Monday .....	8	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	9	
Wednesday .....	10	
Thursday .....	11	Motions and Ditto.

## COMMON-LAW SITTINGS, EASTER TERM.

## Court of Queen's Bench.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Thursday, Apr. 20	
By adjournment .. 21, 22, 24	
2nd sitting, Tuesday .....	25
By adjournment .... 26, &c.	
Undefended.	
3rd sitting, Tuesday .. May 9	Wednesday .....
	May 10
Friday .....	May 12
	Saturday .....
	May 13
	(To adjourn only).

After Term.

The court will sit at eleven o'clock in term in Middlesex; at twelve in London; and in both at half-past nine after term.—Middlesex long causes will be postponed from the 20th and 25th April to the 12th May.—Short defended as well as undefended causes, entered for the sitting on May 10th, will be tried on that day, if the plaintiffs wish it, unless there be a satisfactory affidavit of merits.—Causes standing over with judgment of the term in Middlesex, will be taken on the 12th May if the writs are resealed.

Plaintiffs' Attorneys are requested to apply in court when the last cause is called on, on the 24th April, for their record and writs, in order to reseat the writs and see that the dates are right for the second sittings, which begin on the 25th April.

## Exchequer of Pleas.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Thursday, Apr. 20	1st sitting, Thursday, Apr. 27
2nd sitting, Friday .....	2nd sitting, Friday .. May 5
3rd sitting, Monday .. May 8	By adjournment, Saturday .. 6
	After Term.
Friday .....	May 12
	Saturday .....
	May 13
	(To adjourn only).

The court will sit, from day to day, until all the causes entered for the Middlesex sittings respectively are disposed of.—Special juries will not be taken until after Trinity Term.—The court will sit during term at ten o'clock.

**MEMBERS RETURNED TO SERVE IN PARLIAMENT.**—Thomas Gisborne, Esq., for the town of Nottingham, in the room of John Walter, Esq., whose election for the said town has been determined to be void.—The Right Hon. Arthur Trevor Viscount Dungannon, for the city of Durham, in the room of Robert Fitzroy, Captain R. N., who has accepted the office of Governor of New Zealand.—John Collett, Esq., for the borough of Athlone, the last election for the said borough having been declared to be void.

## London Gazette.

TUESDAY, APRIL 11.

## BANKRUPTS.

**WILLIAM MOTT**, Regent-street, Piccadilly, laceman, April 22 at 2, and May 19 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Lloyd, 61, Cheapside.—Fiat dated March 31.

**JOHN BOWIE**, Shoe-lane, London, grocer, April 22 at half-past 11, and May 19 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Amory & Co., Throgmorton-street.—Fiat dated March 30.

**FREDERIC ROBERTS**, New Bond-street, and Gower-street North, Middlesex, coal merchant, April 22 at half-past 1, and May 19 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Dawes, 15, Serjeant's-inn, Fleet-street.—Fiat dated March 13.

**JOHN CUMMING**, Tottenham-court-road, furrier and draper, April 22 at 1, and May 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Cox, Finner's-hall, Broad-st.—Fiat dated April 7.

**JOHN HAWKINGS**, Lisson-grove, St. Mary-le-bone, upholsterer, April 21 at 1, and May 23 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Bicknell, Manchester-street, Manchester-sq.—Fiat dated April 6.

**JOHN IVORY**, Meppershall, Bedfordshire, farmer and shop-keeper, April 27 at 11, and May 23 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Hunt, Luton; Lambert, Gray's-inn.—Fiat dated March 29.

**MICHAEL ROBERT JENKINS**, Greenwich, Kent, tavern keeper, April 24 at 12, and May 23 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Selbys, Serjeant's-inn.—Fiat dated April 1.

**FRANCIS JENKYNs** and **JOHN HAY HARDYMAN**, Love-lane, Eastcheap, London, merchants and commission agents, April 20 at 12, and May 19 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Ashurst, Cheap-side.—Fiat dated April 10.

**WILLIAM BATES**, Welbeck-street, Cavendish-square, auctioneer and house agent, April 25 at 1, and May 22 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Lane, Argyle-street.—Fiat dated April 7.

**HENRY BENTLIF**, Maidstone, Kent, linen draper, April 25 at half-past 1, and May 22 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Lloyd, Cheapside.—Fiat dated March 31.

**JAMES STRETCH** and **RALPH WHARTON**, Nottingham, engineers, smiths, and brass founders, April 18 at 11, and May 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Cursham & Campbell, Nottingham.—Fiat dated April 1.

**JAMES HARRINGTON** and **WILLIAM PATTINSON**, Woodbank, St. Cuthbert, Cumberland, calico printers, April 21 at 12, and May 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Mounsey, Carlisle; Mounsey & Gray, London.—Fiat dated March 28.

**BENJAMIN SAYLE** and **THOMAS BOOTH**, Park Iron-works, Sheffield, and Tinsley-park, Rotherham, Yorkshire, iron masters, iron founders, machine makers, and coal masters, April 24 and June 1 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Wheats & Staniforth, Sheffield; Lechmere, Southampton-buildings, Bloomsbury.—Fiat dated April 1.

## MEETINGS.

*James Gibbs*, Jermyn-street, St. James's, Westminster, scrivener, April 22 at 10, Court of Bankruptcy, London, ch. ass.—*John Watkin Cullis*, Clun, Shropshire, chemist, April 27 at 1, District Court of Bankruptcy, Birmingham, ch. ass.—*John Cooke*, Coxhoe, Durham, banker, April 21 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—*John Overington*, Arundel, Sussex, plumber, April 21 at 10, Court of Bankruptcy, London, last ex.—*Benj. H. Thorold*, Esq., Harmston, Lincolnshire, and Harlesden-green, Willesden, Middlesex, April 21 at 1, Court of Bankruptcy, London, last ex.—*Rich. Gaulton*, Dorchester, innkeeper, April 27 at 12, District Court of Bankruptcy, Exeter, last ex.—*Gregory Seecombe* and *Samuel Seecombe*, Tavistock, Devonshire, and Bude, Cornwall, tailors, May 4 at 2, District Court of Bankruptcy, Exeter, last ex.—*James Walton*, Newcastle-upon-



Tyne, saddler, April 27 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*William Marshall*, Worthing, Sussex, butcher, May 5 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*Saml. H. Smyth*, Cambridge, coach maker, May 2 at half-past 1, Court of Bankruptcy, London, aud. ac.; May 4 at half-past 11, div.—*Chas. O'Neil*, Newman-street, Oxford-street, picture-dealer, May 2 at 11, Court of Bankruptcy, London, aud. ac.—*Jos. Rands*, Southampton, shoemaker, May 4 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Stephen Law*, Great Portland-street, St. Marylebone, upholsterer, May 3 at 1, Court of Bankruptcy, London, aud. ac.—*Rich. Halford*, Wm. Henry Baldock, and Osborn Snoultens, Canterbury, bankers, May 4 at 11, Court of Bankruptcy, London, aud. ac.—*Lewis Durlacher*, Burlington-street, Westminster, dealer in pictures, May 4 at 1, Court of Bankruptcy, London, aud. ac.—*Julius Caesar Mott*, Loughborough, Leicestershire, wine and spirit merchant, May 4 at 2, Court of Bankruptcy, London, aud. ac.—*Henry Castle*, Lucas-street, Rotherhithe, Surrey, ship owner, May 4 at 12, Court of Bankruptcy, London, aud. ac.—*William Hoad*, Wickham, Southampton, grocer, May 6 at 12, Court of Bankruptcy, London, aud. ac.—*John Mayer*, Foley, Staffordshire, earthenware manufacturer, May 6 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Chas. Maidlow*, Finchley, and St. John's-terrace, St. John's-wood, Middlesex, builder, May 6 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Jas. Ralfe*, Tavistock-street, Covent-garden, printed furniture dealer, May 5 at half-past 2, Court of Bankruptcy, London, aud. ac.; May 12 at half-past 12, div.—*William P. Kay* and *Edw. N. Kendal*, Douglas, near Frederickton, New Brunswick, British North America, brewers, May 4 at half-past 2, Court of Bankruptcy, London, aud. ac.—*R. M' Laren*, Liverpool, rectifier, May 4 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*John Jones*, Liverpool, cordwainer, May 4 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Alex. Hay*, Gt. Queen-st., Lincoln's-inn-fields, coach maker, May 5 at 1, Court of Bankruptcy, London, div.—*D. Button*, Albion-place, Battle-bridge, pawnbroker, May 5 at half-past 1, Court of Bankruptcy, London, div.—*S. Partridge*, Peerless-row, City-road, licensed victualler, May 4 at 11, Court of Bankruptcy, London, div.—*Thos. Humphrey*, jun., Great Stanmore, bricklayer, May 4 at 1, Court of Bankruptcy, London, div.—*Alf. Bouglival* and *Jos. Farrington*, Stratford, Essex, manufacturing chemists, May 4 at 12, Court of Bankruptcy, London, div.—*Wm. C. Knight*, Great Suffolk-street, Southwark, builder, May 2 at half-past 12, Court of Bankruptcy, London, div.—*Francis Robinson*, High-street, Poplar, Middlesex, ironmonger, May 5 at half-past 12, Court of Bankruptcy, London, fin. div.—*Hen. Thompson*, King-street and Shadwell-street, Clerkenwell, timber merchant, May 5 at 1, Court of Bankruptcy, London, div.—*S. Symonds*, sen., and *S. Symonds*, jun., Basinghall-street, London, woollen factors, May 3 at 1, Court of Bankruptcy, London, div.—*John Dennis*, sen., and *John Dennis*, jun., Tooley-street, Surrey, linen drapers, May 3 at 2, Court of Bankruptcy, London, div.—*Thos. Howson*, Leeds, Yorkshire, grocer, May 4 at 11, District Court of Bankruptcy, Leeds, div.—*T. Pitcairn*, Liverpool, merchant, May 4 at 1, District Court of Bankruptcy, Liverpool, div.—*J. L. James*, Durham, bookseller, May 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*W. Burton*, Hutton, near Rudby, Yorkshire, miller, May 2 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Wm. L. Prattman*, Butterknowle-lodge, and *M. Forster*, Copley, Durham, timber merchants, May 4 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. sep. est. *Mich. Forster*—*Henry Merriwell*, Coventry, ribbon manufacturer, May 3 at half-past 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Thos. Reynolds*, jun., Great St. Helen's, Bishopsgate-st., merchant, May 9 at half-past 1, Court of Bankruptcy, London.—*John Mayer*, Foley, Staffordshire, earthenware manufacturer, May 5 at 2, Court of Bankruptcy, London.—*William Marshall*, Worthing, Sussex, butcher, May 5 at half-past 11, Court of Bankruptcy, London.—*George Cole*, Bexley-heath, Kent, grocer, May 5 at half-past 12, Court of Bankruptcy, London.—*Jas. Bisshopp*, Westburton, Bury, Sussex, market gardener, May 8 at 1, Court of Bankruptcy, London.—*Wm.*

*Burton*, Hutton, near Rudby, Yorkshire, miller, May 2 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Sigis. Gans*, Newcastle-upon-Tyne, furrier, May 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Evans*, Torquay, Devonshire, ironmonger, May 17 at 11, District Court of Bankruptcy, Exeter.—*John Fawcett*, St. John-st., St. Sepulchre, coach builder, May 3 at 2, Court of Bankruptcy, London.—*Margaret Osborn*, Stockport, Cheshire, pawnbroker, May 3 at 1, Court of Bankruptcy, London.—*Dav. Bolton*, Kingston-upon-Hull, corn merchant, May 11 at 11, District Court of Bankruptcy, Leeds.—*Jesse Tamms*, Shelton, Staffordshire, earthenware manufacturer, May 12 at 11, District Court of Bankruptcy, Birmingham.—*Hen. Hill*, Penkull, Stoke-upon-Trent, Staffordshire, maltster, May 4 at 12, District Court of Bankruptcy, Birmingham.—*Thomas Alston*, Balderston, Lancashire, spade manufacturer, May 4 at 12, District Court of Bankruptcy, Manchester.—*Henry Sidebotham*, Haughton, and Manchester, Lancashire, cotton manufacturer, May 3 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 2.

*R. H. Goddard*, Wood-street, Cheapside, fringe maker.—*Wm. Wright*, Burslem, Staffordshire, baker.—*F. Cutbush*, Kennington, near Ashford, Kent, seedsman.—*John Ridsdale*, Headingley, Leeds, Yorkshire, stuff merchant.—*Wm. Wallis* and *John Wallis*, City of Lincoln, and Wragby, Lincolnshire, corn merchants.—*John Barraclough*, Bradford, Yorkshire, timber merchant.—*Rob. Ames*, Margate, Kent, linen draper.—*John Carruthers*, Mitchells, Speldhurst, Kent, distiller.—*Isaac Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *John Davison*, Marton, Yorkshire, farmer.—*Chas. Pitt*, jun., Canterbury, druggist.—*William Crabb Knight*, Great Suffolk-street, Southwark, Surrey, builder.—*Rich. Hickman*, Bilston, Staffordshire, timber-merchant.—*John Jones*, Liverpool, cordwainer.—*John Beaumont*, Tottenham-court-road, surgeon.—*Wm. Harry Woodall*, Bishopsgate-street Without, woollen-draper.—*John Collinson*, South Molton-lane, and South Molton-st., Oxford-street, carpenter.—*David Morgan*, Rhosmaen, Llandilo-faur, Carmarthenshire, tanner.—*Joseph Ross*, Halifax, Yorkshire, woolstapler.—*John Marshall*, Birchin-lane, London, merchant.—*John Jardine*, Liverpool, ship-builder.

#### SCOTCH SEQUESTRATIONS.

*Jas. Eddie*, Airdrie, ironmonger.—*Roger Aytoun*, deceased, Edinburgh, writer to the signet.—*Smith & Co.*, Dundee, china merchants.—*Jas. Moubray*, Tullibody, distiller.—*Walter Finlay*, Drumsleed, Fordon, Kincardine, farmer.

#### DECLARATIONS OF INSOLVENCY.

*Jonathan Booth*, Hanley, Stoke-upon-Trent, Staffordshire, china painter.  
*George Green*, St. John, Bedwardine, Worcestershire, writing clerk.  
*John William Young*, Edgbaston, near Birmingham, dealer in musical instruments.  
*John Horsfall*, Lymn, Cheshire, shopkeeper.  
*Richard Smith*, Bedford-place, East-street, Walworth, Surrey, clerk in her Majesty's Customs.  
*John Pearson*, Hollinwood, near Oldham, Lancashire, omnibus proprietor.  
*Hamlet Monks*, Aston, Birmingham, file cutter.  
*Thomas Quarumby*, Linthwaite, Almondbury, Yorkshire, shopkeeper.  
*George Truman*, Gloucester, licensed victualler.  
*Thomas Denley*, Sireford, Whittington, Gloucestershire, quarryman.  
*Wilmot Bayntun*, Bristol, commercial traveller.  
*John Humphries*, Edgbaston, near Birmingham, wheelwright.  
*Richard Smith*, Wilsden, Bradford, Yorkshire, beer-house keeper.  
*Jas. Butterfield*, Hainworth, Yorkshire, stuff manufacturer.  
*Felix Hunliff Howitt*, Cheltenham, Gloucestershire, out of business.  
*Geo. Rix*, White Horse-lane, Stepney, coal-meter.  
*Thomas Kettle*, Wanstead, Essex, warehouseman to wholesale stationers.  
*Walter John Marsh*, Whitechapel-road, poultry salesman.  
*John Armstrong*, Tredegar, Bedwell, Monmouthshire, grocer.

## INSOLVENT DEBTORS.

Saturday, April 8.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Wilkes*, Hell-end, Darlaston-green, Staffordshire, gun-lock filer, No. 61,483 C.; *John Ryley*, assignee.—*John David Powell*, Cardiff, Glamorganshire, baker, No. 61,665 C.; *C. Otter*, assignee.—*Thomas Fernald*, Hyde, Chester, common carter, No. 61,723 C.; *T. Moulit*, assignee.—*Geo. Gillmore*, Conant-place, Commercial-road, Limehouse, tailor, No. 54,622 T.; *John Lupton*, assignee.—*Daniel Green*, Sherborne-lane, tailor, No. 54,539 T.; *Wm. B. Gains*, assignee.—*Wm. Hawkins*, Philadelphia-terrace, Mount-gardens, Westminster-road, Surrey, carpenter, No. 53,761 T.; *Fredk. Clarke*, assignee.—*Jas. Stanbridge*, Paxhill-park, Lindfield, Sussex, corn-dealer, No. 62,375 C.; *Charles Calvert Corner*, assignee.—*Henry Seife*, Broadmead, Bristol, watch-maker, No. 61,971 C.; *T. Peter Collins* and *Richard Hayman*, assignees.—*Wm. Taylor*, Oxford, market gardener, No. 58,775 C.; *John S. Collins*, assignee.—*Edwin H. Mears*, Russell-cottage, Blackheath-hill, Kent, out of business, No. 54,688 T.; *Thos. Early*, assignee.—*Daniel Garland*, Stapleton, Gloucestershire, baker, No. 61,305 C.; *Charles Vallance*, assignee.—*Wm. Cooper*, Nantwich, Chester, baker, No. 61,324 C.; *Edward Griffiths*, assignee.—*John Mainprize*, Market-place, Newmarket, Suffolk, publican, No. 62,291 C.; *Stephen Child*, assignee.—*William Bothwell*, Lower-place, near Rochdale, Lancashire, fulling miller, No. 60,556 C.; *Robert Butterworth*, assignee.—*Sarah Jackson*, John-street, Lark-row, Cambridge-heath, Hackney, widow, No. 54,741 T.; *Geo. Searle*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, May 2 at 9.*

*W. Henry S. Hartley*, Piazza Coffee-house, Covent-garden, out of business.—*John Nicklin*, Woburn-mews, Russell-sq., livery-stable keeper.—*Chas. Carter*, Cottage-place, Hercules-buildings, Lambeth, Surrey, tailor.—*Benj. Wallington*, Gray's Inn-square, Holborn, attorney at law.—*Philip Wm. Petre*, Brompton-vale, Old Brompton, gentleman.—*John Barnard*, Richmond-place, East-street, Walworth, Surrey, engraver.—*Wm. Dickie*, sen., Gray's-place, George-street, Lambeth-walk, commission-agent for the sale of china.—*John James Willis*, Amwell-street, Pentonville, out of business.—*John Rowe*, Edward-street, Shepherdess-walk, City-road, carpenter.—*Benjamin Roger Hitchman*, Barclay-street, Somers'-town, waiter to a tavern-keeper.

*Court-house, AYLESBURY, Buckinghamshire, May 2 at 10.*

*Wm. Barnham*, High Wycombe, bricklayer.—*Thos. Lane*, Chalfont Saint Giles, baker.—*George Liddington*, Lillington Dayrell, out of business.

## INSOLVENT DEBTOR'S DIVIDEND.

*William Potts*, Salisbury, Wiltshire, and Upper Clatford, Hampshire, victualler, Square's, Salisbury, and Nicholls & Doyle's, 8, Cook's-court, Lincoln's-inn, London: 1s. 11d. in the pound.

FRIDAY, APRIL 14.

## BANKRUPTS.

*JAMES WILSON*, Lindfield, Sussex, cowkeeper, April 21 at half-past 12, May 26 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Bennett, Brighton; Rickards & Walker, 29, Lincoln's-inn-fields.—Fiat dated April 3.

*JAMES WHITFIELD*, Tooley-street, Southwark, Surrey, grocer, April 26 and May 25 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Stephen, Skinner's-place, Sise-lane.—Fiat dated April 11.

*WILLIAM HITCH*, Kingsland, grocer, April 24 and May 25 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Rutherford, Lombard-street.—Fiat dated April 8.

*THOMAS POTTINGER*, Jersey, *HENRY HOWELL*, Manchester-square, and *ALEXANDER OSWALD*, Adelaide-row, Hampstead, merchants, April 20 and May 17 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Bentall, Coleman-st.—Fiat dated March 29.

*EDMUND SMITH*, Sheffield, Yorkshire, innkeeper and victualler, May 3 at 10, and May 17 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Broomhead, Sheffield; Sykes, Leeds.—Fiat dated April 10.

*ELIZABETH WHITE* and *ELIZABETH LEITH*, Work-sop, Nottingham, machine and agricultural-implement makers, April 26 and May 19 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds; Wake, Work-sop; Walter & Pemberton, 4, Symond's-inn, Chancery-lane.—Fiat dated April 7.

*GEORGE RATCLIFFE*, Sheffield, Yorkshire, fender manufacturer, April 18 and May 9 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Smith, or Heywood & Bramley, Sheffield.—Fiat dated March 29.

*WILLIAM GREGSON PITT*, Cheltenham, Gloucestershire, banker, May 3 and 25 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Stratford, Cheltenham: King & Son, Serjeant's-inn.—Fiat dated April 3.

*ROBERT BIGGS*, Bath, Somersetshire, chemist and druggist, April 28 at 1, and May 26 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Stalland, Bath.—Fiat dated April 8.

*CHARLES JOHN GAUSSEN* and *JAMES GAUSSEN*, Liverpool, corn factors and commission merchants, April 26 at half-past 12, and May 26 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Stockley & Thompson, Liverpool; Weeks, 12, Cook's-court, Lincoln's-inn-fields.—Fiat dated April 10.

*JOSEPH EDMUND ROBINSON*, Liverpool, wine merchant, April 28 at 12, and May 26 at 1, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Hostage, Liverpool; Chester & Toulmin, Staple-inn.—Fiat dated April 10.

*ANTHONY MERGA*, Nantwich, Cheshire, watch maker, May 5 at 12, and May 26 at half-past 1, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Field, Liverpool; Sharpe & Co., Bedford-row.—Fiat dated April 11.

*WILLIAM JONES*, Wolverhampton, Staffordshire, mercer and draper, April 28 and May 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Robinson, Wolverhampton.—Fiat dated April 10.

*JOHN JOHNSTON*, Manchester, banker, April 25 and May 16 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Oliver, Manchester; Appleby, Harpur-st., Red Lion-square.—Fiat dated March 31.

*KENNETH McLEOD* and *JOHN BOYLE WOOD*, Liverpool, ship chandlers, May 4 at 11, and May 26 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Duncan, Liverpool; Gregory & Co., Bedford-row.—Fiat dated April 10.

*HENRY SAVAGE*, Coaley, Gloucestershire, spade and shovel manufacturer, May 3 at 1, and May 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Richards & Gillan, Birmingham; Peters & Abbot, Bristol.—Fiat dated March 31.

*CHARLES JAMES MORLEY*, Liverpool, flour dealer and baker, May 2 at 1, and May 24 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Cornthwaite, Liverpool; Cornthwaite & Adams, Dean's-court, Doctors'-commons.—Fiat dated April 11.

*JAMES GREEN*, Oldbury, Shropshire, licensed victualler, April 24 at 11, and May 20 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Benton, Birmingham.—Fiat dated April 1.

## MEETINGS.

*John Courtney*, Bristol, banker, April 25 at 1, District Court of Bankruptcy, Bristol, pr. d.—*Wm. Thomas* and *H. Heskeith*, Chester, bankers, May 11 at 12, District Court of Bankruptcy, Liverpool, ch. ass.—*Francis Carey*, Nottingham, hatter, April 25 at 2, Court of Bankruptcy, London, last ex.—*Samuel Maw Long*, North-lodge-farm, Enfield, lime-burner, April 27 at 11, Court of Bankruptcy, London, last ex.—*Judah De Jacob Pariente*, Bury-st. St. Mary Axe, merchant, April 25 at 12, Court of Bankruptcy, London, last ex.—*William Richd. Kemp*, Alfred's-terrace, Holloway, grocer, April 28 at 2, Court of Bankruptcy, London, last ex.—*Simon Davis*, Church-lane, Whitechapel, linen-draper, April 27 at 11, Court of Bankruptcy, London, last ex.—*Thos. Hertridge*, Upper Wharton-street, Clerkenwell, builder, May 5 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—*James Gordon*, Liverpool, merchant, April 26 at 1, District Court of Bankruptcy, Liverpool, fin. ex.—*Henry Hilton*, Over Darwen, Lancashire, bleacher, April 18 at 11, District Court of Bankruptcy, Manchester, last ex.—*Richd. Lewin*, Northamp-

ton, leather seller, May 8 at 12, Court of Bankruptcy, London, aud. ac.—*John Wardle*, Griffin-street, Shadwell, ship-owner, May 13 at 12, Court of Bankruptcy, London, aud. ac.—*W. Mills*, Caterham, Surrey, innholder, May 6 at 2, Court of Bankruptcy, London, aud. ac.; May 13 at 1, div.—*Thomas Whitmarsh*, Tunbridge-wells, Kent, hotel-keeper, May 13 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Richard Halford*, *Wm. Henry Baldock*, and *O. Snoullen*, Canterbury, bankers, May 4 at 11, Court of Bankruptcy, London, aud. ac.—*James Cocker*, Barnsley, Yorkshire, dyer, May 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Brown* and *William Andrews*, Leeds, Yorkshire, cloth-dressers, May 10 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*T. B. Golborne* and *Arthur A. Dobbs*, Liverpool, wine-merchants, May 6 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Denver* and *Wm. Nissey*, Liverpool, woollen-drapers, May 6 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*Samuel Mead* and *Wm. Mead*, Liverpool, iron merchants, May 6 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*John Walker*, Hayfield, Derbyshire, grocer, May 11 at 12, District Court of Bankruptcy, Manchester, aud. ac.; May 12 at 12, first and fin. div.—*William Smith* and *Josiah Smith*, Hatton-garden, and Edinburgh, mahogany merchants, May 9 at 12, Court of Bankruptcy, London, div.—*Thos. James*, Hockliffe, Chalgrove, Bedfordshire, farmer, May 5 at 11, Court of Bankruptcy, London, div.—*Thomas Jacob Lancaster*, Barge-yard, Bucklersbury, May 5 at 1, Court of Bankruptcy, London, div.—*Charles Mills Nicholson*, New Corn Exchange, Mark-lane, and Dock-head, Bermondsey, corn-merchant, May 9 at 11, Court of Bankruptcy, London, div.—*Wm. Hoad*, Wickham, Southampton, grocer, May 13 at half-past 1, Court of Bankruptcy, London, div.—*Hen. Castle*, Lucas-street, Rotherhithe, ship-owner, May 12 at 1, Court of Bankruptcy, London, div.—*Jas. Cocker*, Barnsley, Yorkshire, dyer, May 9 at 11, District Court of Bankruptcy, Leeds, div.—*Jas. S. Mottram*, Alrewas, Staffordshire, woolstapler, May 6 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*George Hood*, Brownhills, Burslem, Staffordshire, earthenware manufacturer, May 12 at 1, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*James Henson*, Bury-court, St. Mary Axe, upholsterer, May 9 at half-past 2, Court of Bankruptcy, London.—*Jos. Orbell*, jun., Walsingham-place, Lambeth, Surrey, flour factor, May 9 at 2, Court of Bankruptcy, London.—*Wm. H. Swain*, Farnham, Surrey, draper, May 5 at 2, Court of Bankruptcy, London.—*Mary Evans*, *John Evans*, and *Thos. H. Evans*, Old-street-road, paper-stainers, May 5 at 2, Court of Bankruptcy, London.—*Peter Spurr Parkin*, Robert-street, Chelsea, and Upper Ebury-street, ironmonger, May 5 at 1, Court of Bankruptcy, London.—*Jas. Coulell*, Richmond, Surrey, bricklayer, May 5 at 12, Court of Bankruptcy, London.—*Jas. Jackson*, Hammersmith, grocer, May 8 at half-past 11, Court of Bankruptcy, London.—*Thomas Patton*, Swan-street, Newington, May 8 at half-past 12, Court of Bankruptcy, London.—*Abraham Crossfield*, Whitechapel-road, Middlesex, and Highland's-farm, Comp, Leyburne, Kent, scrivener, May 11 at 11, Court of Bankruptcy, London.—*Wm. Emery*, Halifax, Yorkshire, corn merchant, May 12 at 11, District Court of Bankruptcy, Leeds.—*Robert Lucas Nash*, Bristol, brewer, May 12 at 11, District Court of Bankruptcy, Bristol.—*Jas. Pulman*, Settle, Yorkshire, wine-merchant, May 11 at 11, District Court of Bankruptcy, Leeds.—*Sam. Cheetham* and *Thos. Wadsworth*, Macclesfield, Cheshire, silk throwsters, May 9 at 12, District Court of Bankruptcy, Manchester.—*Jos. Anterest*, Walsall, Staffordshire, grocer, May 11 at half-past 11, District Court of Bankruptcy, Birmingham.—*Jos. Smith*, Ossett, near Wakefield, Yorkshire, cotton-spinner, May 12 at 11, District Court of Bankruptcy, Leeds.—*Peter Groves* and *N. Beard*, Boston, Lincolnshire, leather-dressers, May 12 at 1, District Court of Bankruptcy, Birmingham.—*Abraham Vickers*, Manchester, ironmonger, May 9 at 12, District Court of Bankruptcy, Manchester.—*John Richmond*, Manchester, yarn agent, May 9 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 5.

*John Bromwell*, Northampton, builder.—*Geo. T. Caswell*, Birmingham, glass dealer.—*Robt. Rainbow*, Stratford-upon-

Avon, Warwickshire, corn merchant.—*Wm. Hall*, Tredington, Worcestershire, corn merchant.—*W. L. F. Tollenmache*, Keston and Locksbottom, Kent, and Penton-lodge, near Andover, Hampshire, horse dealer.—*Thomas Carter*, Stafford, builder.—*Thomas Fawcett*, Ludgate-hill, London, mercer.—*Thomas Lingham*, Cross-lane, St. Mary-at-Hill, wine merchant.—*Robt. Hentig*, Kingstou-upon-Hull, merchant.—*R. Bull*, Birmingham, common brewer.—*E. L. Mayor*, Northampton, innkeeper.—*Ling Robinson*, Ballingdon, Essex, millwright.—*James Warner*, Bedford, linen draper.—*S. Jupp*, Little Hampton, Sussex, corn merchant.—*George Foster*, Newcastle-upon-Tyne, butcher.—*Thos. Simpson*, Gateshead, Durham, painter.—*Chas. W. Davis*, Bishop's Castle, Shropshire, mercer.

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#### SCOTCH SEQUESTRATIONS.

*Wm. Smith*, Kirkaldy, earthenware merchant.—*John Cameron*, Glasgow, noddly birer and horse dealer.—*John Calman*, Dundee, ship builder.—*James Leslie*, Leith, agent.—*George Andrews*, Braelangwell, by Fortrose, farmer.—*Robert Adam Murdoch*, Glasgow, hotel keeper.

#### DECLARATIONS OF INSOLVENCY.

*James Thomas Hobbs*, Bristol, plasterer.  
*John Samuel Lamb*, Rochester, Kent, plumber.  
*Henry Leppingwell*, Bradford, Yorkshire, painter.  
*John Senior*, Almondsbury, Yorkshire, gardener.  
*Wm. Smith*, East-ville, Lincolnshire, boatman.  
*Jeremiah Woolley*, jun., Wigdwr, Llandinam, Montgomeryshire, farming bailiff.  
*Henry Scott*, Hollinwood, Prestwich cum Oldham, Lancashire, attorney at law.  
*Thomas Foxon*, Toddington, Bedfordshire, farmer.  
*Christopher Harrison*, Bradford, Yorkshire, labourer.  
*Jas. Crook*, Moxley, Wednesbury, Staffordshire, wheelwright.  
*James Wills Wayle*, Poppin's-court, Fleet-street, engineer.  
*Orlando Aguilar*, Brunswick-street, Newington, Surrey, mercantile clerk.  
*Joseph Booker*, Ipeley, Warwickshire, needle manufacturer.  
*Samuel Frame*, Bolwell-street, Lambeth-walk, Lambeth, Surrey, clerk in the Bank of England.  
*James Stott*, Francis-street, Newington, Surrey, Custom-house agent.  
*William Venables*, Oxford, boat builder.  
*Frederick Crook*, Upper York-street, St. Marylebone, seller of wines on commission.  
*James Cappell*, Dorrington-street, Cold Bath-fields, Clerkenwell, town traveller.  
*Richard Stanley Tyler Ball*, Devonshire-street, Queen-square, house painter.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 5 at 9.

*Thomas Marsden*, Well-walk, Hampstead, licensed victualler.—*John Thomas*, Surrey-cottages, Westminster-road, Surrey, actor.—*Frederick Meybruch*, Upper Berkeley-street, Marylebone, tailor.—*Joseph Pond*, Green-walk, Holland-st., Blackfriars-road, Surrey, out of business.—*Thomas Allum*, Patriot-square, Cambridge-road, Bethnal green, cork cutter.—*Wm. John Hodges*, Wine-office-court, Fleet-street, pocket-book manufacturer.—*Wm. Fowler*, jun., Peter's-lane, Cowcross, West Smithfield, green grocer.—*Chas. Gracie*, Powell-street West, King-square, St. Luke's, cabinet maker.—*Wm. Henry Elliott*, North-street, Fitzroy-square, plumber.—*Wm. Richard Humphreys*, Pleasant-row, Holloway-road, omnibus conductor.

May 8, at the same hour and place.

*Hannah S. Bull*, widow, Welstead-street, Somers'-town, corn chandler.—*Henry Israel*, Middlesex-place, New-road, Marylebone, out of business.—*George Martin*, Queen's-terrace, Queen's-road, Dalston, buyer and seller of horses.—*John Dowson*, Charles-st., Westminster, retailer of coals.—*Henry Quin*, Harris-court, Ratcliff-highway, extra weigher in his Majesty's Customs.—*Morgan Jones*, President-street East, King's-square, Goswell-road, out of business.—*J. Pickworth*, Chapel-st., New-road, Paddington, out of business.—*Joseph Pierpoint*, Crombie-row, Commercial-rd. East, paper stainer.

—*Henry Blewitt, sen.*, King's Arms-yard, Trinity-st., Newington, Surrey, livery-stable keeper.—*Henry Hetherington*, Wine-office-court, Fleet-street, bookseller.

*Court-house, AYLESBURY, Buckinghamshire, May 2 at 10.*  
*John Seary, Brill, out of business.*

#### INSOLVENT DEBTORS' DIVIDENDS.

*John Claxton, Crayford, Kent, publican, at Harpur's, Kennington-cross: 2s. 6d. in the pound.*—*Wm. Oastler, Northallerton, Yorkshire, surgeon, April 19, Tutin's, Northallerton: 5s. 2d. in the pound (in addition to 6s. 8d. before declared).*—*Nash Bottrill, Birmingham, tavern keeper, at Herbert's, Birmingham: 5s. 6d. in the pound.*

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With Supplement, 2s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	E. KEMPSON, Esq. of the Middle Temple; and G. J. P. SMITH, Esq. of the Inner Temple, Barristers at Law.
Privy Council .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
The Lord Chancellor's Court .....	E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas	J. R. MARSHMAN, Esq. of Lincoln's Inn, Barrister at Law.
Master of the Rolls Court	G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	Dr. H. I. NICHOLL, of Doctors' Commons.
Vice-Chancellor Knight Bruce's Court .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, APRIL 22, 1843.

A few weeks ago we took occasion to notice a case in one of the courts of equity relative to the rights of mortgagors as between themselves. There is another part of the law relating to mortgages which we have for some time past intended to make the subject of an article; but other topics of more immediate interest have from time to time engaged our attention, and prevented the accomplishment of this design. Our present number, however, affords us an opportunity; and we will endeavour, in such a manner as may be useful to our readers, to state the various modern cases illustrative of the relative positions of a mortgagor and mortgagee with respect to the possession of the mortgaged land or the receipt of the rents and profits.

The case of a lease or other tenancy of the mortgaged premises being in existence at the time the mortgage is made, is too simple to require any notice. The mortgage is an assignment of the reversion, and gives to the mortgagee the same rights as any other assignee of a reversion has. We pass therefore to the case of tenancies being created after the mortgage; and before considering what is the situation of a tenant of the mortgagor, it will perhaps be better to notice that of the latter himself.

The position of a mortgagor who remains in possession of the mortgaged premises, has always been felt by the courts to be an anomalous one. Thus, in a note to Morley & Coates' edition of Watkins' Conveyancing, p. 13, 7th ed., it is said, "The cases are rather confused as to the character in which a mortgagor in possession is to be considered; in some he is called tenant at will; in others tenant at sufferance; and in some he is viewed in the light of a receiver." Patteson, J., in *Doe d. Jones v. Williams*, (5 Adol. & Ell. 297), says, "One is much at a loss as to the proper terms in which to describe the relation of mortgagor in possession and mort-

gagee. In *Partridge v. Bere*, (5 B. & Ald. 604), such mortgagor is held to be tenant to the mortgagee; sometimes he is said to be the bailiff of the mortgagee; and in a late case, Lord Tenterden said, that his situation was of a peculiar character." And in *Doe d. Higginbotham v. Barton*, (11 Adol. & Ell. 314), Lord Denman says, it is very dangerous to attempt to define the precise relation in which mortgagor and mortgagee stand to each other, in any other terms than strictly tenant at will. The cases of *Partridge v. Bere* (above quoted), and *Hitchman v. Walton*, (5 Mee. & W. 409), establish that the mortgagee "may treat his mortgagor, as against a stranger, as his tenant at will: he is not bound to do so, and therefore it is that he may bring ejectment against him as a trespasser, without a previous demand of possession." But there is, as our readers are well aware, in all mortgage-deeds a proviso for redemption, and in most a covenant for quiet enjoyment by the mortgagor until default in payment of the mortgage-money or interest; and these, with other clauses of a similar nature, it has been contended, amount to a demise by the mortgagee to the mortgagor, and thus create a tenancy between them. Of this description is the case of *Wilkinson v. Hall*, (3 Bing. N. C. 508), in which, so far as they are material to the present question, the facts as stated in the marginal note were, that the plaintiff mortgaged land in fee, with a proviso for redemption on payment of principal in June, 1834; but it was agreed that the mortgagee should not call in the principal till 1840, if interest were regularly paid in the meantime; and that the mortgagor should hold the premises and take the rents, issues, and profits for his own use, till default should be made in the payment of principal and interest as aforesaid. On the one side the cases of *Evans v. Thomas*, (Cro. Jac. 172); *Powseley v. Blackman*, (Cro. Jac. 659); *Richards v. Selby*, (2 Mod. 80); and *Jemmot v. Cooley*, (1 Lev. 170), were cited; and it was contended, that there was a reconveyance to the



mortgagor till 1840, subject to the payment of interest. On the other side it was said, that "the agreement that the mortgagee should not be entitled to call in the money till 1840, was a mere agreement in ease of the mortgagor, which perhaps he might have pleaded to an action of debt; but it did not operate as a revocation of the conveyance in fee to the mortgagee; a conveyance which, under the terms of the deed, could only have been redeemed by the payment of the principal on or before the 5th June, 1834; so that the proviso that the mortgagor should hold the premises in the interval, is a mere license, and imparts no interest to the mortgagee." The judgment of the court was, that the proviso for payment on the 5th June, 1834, was altered by the covenant not to call in the money till 1840; and the powers conferred on the mortgagor vested in him a leasehold estate for seven years. The instrument, it was said, fell within the principle laid down in Bacon's Abridgment, tit. Leases, K. "that whatever words are sufficient to explain the intent of the parties, that the one shall divest himself of the possession, and the other come into it for such a determinate time, such words, whether they run in the form of a license, covenant, or agreement, are of themselves sufficient; and will, in construction of law, amount to a lease for years as effectually as if the most proper and pertinent words had been made use of for that purpose." The law thus laid down was followed by the Court of Queen's Bench in *Doe d. Lyster v. Godwin*, (1 G. & D. 463), where the trusts of the deed were to permit the mortgagor to receive the rents and profits until default in payment of the money; and it was held to operate as a redemise by the mortgagee to the mortgagor. In neither of the foregoing cases, however, was the following passage in Sheppard's Touchstone referred to: "If A. bargain and sell his land to B., on condition to re-enter if he pay him 100*l.*, and B. doth covenant with A. that he will not take the profits until default of payment, or that A. shall take the profits until default of payment; in this case, however it may be a good covenant, yet it is no good lease," p. 272, 8th ed. This omission was noticed by Parke, B., in *Doe d. Roylance v. Lightfoot*, (8 Mee. & W. 564), where a proviso for reconveyance in the usual form, and a covenant for quiet enjoyment by the mortgagee after default, were held not to operate as a redemise. The last case is *Doe d. Parsley v. Day*, (12 Law Jour. Rep. N. S., Q. B. 86). There, freehold premises were mortgaged in fee, and leasehold for a term of years, with a covenant that if the principal money and interest were paid on a certain day, the deed should be void; and if not, that the mortgagee, on giving one month's notice, might enter into possession of the premises; and, whether in or out of possession, sell or let them; and the latter covenanted not to sell or make a lease until he had given a month's notice to the mortgagor. The above cases and passage from Sheppard's Touchstone, with Mr. Preston's observations thereon, that in these cases there is no good lease, by reason of the uncertainty of the time, are quoted by the court in giving judgment; and it is decided, "that there was no demise to the mortgagor, so as to entitle him to notice or demand of possession, but that he was in precisely the same situation that mortgagors usually are, namely, liable to be treated as a trespasser at the option of the mortgagee." In this and the previous cases there was the objection arising from the uncertainty of the time, and upon which indeed the court in the last case mainly relied. There may, however, be cases in which there is no uncertainty of time. It may be covenanted affirmatively that the mortgagor shall

take the rents and profits until the day fixed for the payment of the principal money, or in the negative that the mortgagee will not take them. In the former of these cases, it seems that there would be a redemise but not in the latter; for the Touchstone, after the passage above quoted, says, "And if the mortgagee covenants with the mortgagor that he will not take the profits of the land until the day of payment of the money, in this case, albeit the time be certain, yet this is no good lease, but a covenant only." And the reason Mr. Preston gives is, that the words are negative only and not affirmative. From the foregoing remarks, it may be collected in what cases the mortgagor in possession is to be considered as a tenant, and in what he may be treated as a trespasser, which it is important to ascertain as well when he is himself in possession of the land as when he has let it subsequently to the mortgage. In the former case, the tenant may have conferred on him the same right that the mortgagor has, but in the latter the mortgagee may recover in ejectment against the tenant without giving notice of his mortgage. He is not however obliged to adopt this proceeding, but may give the tenant notice of the mortgage, and thus entitle himself to all arrears of rent then due, and to that which accrues subsequently. On the manner in which the tenant is to avail himself of the fact of such notice having been given, to defeat any action that the mortgagee may afterwards bring for the rent, various cases have been decided which it is important to notice; but as to do so now would lead us beyond our present limits we will resume the subject in a future number.

## Court Papers.

CAUSE LISTS.—EASTER TERM, 6 VICT.

## Court of Chancery.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—A. Appeal—C. D. Cause Day—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Confesso—Pl. Plea—Ptn. Petition—R. Re-hearing—S. Stand Over—Sh. Short.

### JUDGMENTS.

Jones v. Smith (Ap) L. C.  
Cooper v. Emery (Ap) L. C.  
Prendergast v. Turton (Ap) L. C.  
Cator v. Masterman (Ap) L. C.  
Lancaster v. Evers (Ap) L. C.  
Oliver v. Latham (2 Ap) L. C.  
Dartmouth Corporation v. Holdsworth (Ap)  
Appleby v. Duke (Ap)  
Clark v. Wilmot (Ap)

Roberts v. Marchant (Ap)  
Meek v. Kettlewell (Ap)  
Brown v. Bamford (Ap)  
Burrige v. Row (Ap)  
Booth v. Creswick (Ap)  
Ranger v. Great Western Railway Co. V. C. of E.  
Heath v. Hodgkinson V. C.

### PLEAS AND DEMURRERS.

Buckland v. Pocknell V. C. of E.

## Before the LORD CHANCELLOR.

### RE-HEARINGS & APPEALS.

Clun Hospital v. Powis (Ap)  
Attorney-Gen. v. Earl of Powis (Ptn)  
Lantour v. Holcombe (Ap)  
Thomas v. Jones (Ap) part heard S O  
Marquis of Westminster v. Morrison (Ap)  
The Sheffield Canal Co. v. The Sheffield & Rotherham Railway Co. (Ap)  
Murrall v. Sutton (Ap) S O  
Bulwer v. Astley (Ap)  
Curtis v. Mason (Ap)  
Salkeld v. Johnson (Ap)  
Bampton v. Birchall (Ap)

Elliottson v. Knowles (Ap)  
Ditto v. Lackington (Ap)  
Bampton v. Standish (Ap)  
Frampton v. Cannon (Ap)  
Ditto v. Whitmore (Ap)  
Attorney-Gen. v. Potter (Ap)  
Thompson v. Derham (Ap)  
Fearenside v. Ditto (Ap)

order,

Barrs v. Jackson (Ap)  
Cresy v. Beaven (Ap)  
Young v. Lord Waterpark (Ap)  
Blacklow v. Laws (Ap)  
Williams v. Knipe (Ap)  
Langley v. Horton (Ap)  
Smyth v. Griffin (Ap)



Baillie v. Innes } (Ap)  
 Ditto v. Palmer }  
 Tullock v. Hartley (Ap)  
 Walsh v. Gladstone (Ap)  
 Dryden v. Burnham } (Ap)  
 Burnham v. Dryden }  
 Taylor v. Russell } (Ap)  
 Pearce v. Ditto }  
 Walsh v. Gladstone } (Ap)  
 Ditto v. Lord Camoys }  
 Langley v. Fisher (Ap)

Arundale v. Bower (Ap)  
 Fisher v. Taylor (Ap)  
 Benson v. Heathorn (Ap)  
 Cottingham v. Earl of }  
 Shrewsbury } (Ap)  
 Praed v. Richardson }  
 Ditto v. Jermingham }  
 Booth v. Lightfoot (Ap)  
 Cutts v. Thodey (Ap)  
 Selby (pauper) v. Jackson } (Ap)

# CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS. Before the VICE-CHANCELLOR OF ENGLAND.

Dangerfield v. Evans after T.  
 Osbaldiston v. Simpson (part heard) *S O*  
 Attorney-Gen. v. Baines  
 Farmer v. Farmer  
 Sands v. Fincham (part heard) *S O*  
 Norman v. Baldry (F D, C)  
 Leeds v. Lord Amherst after *Tria. Term*  
 Author v. Author }  
 Author v. Author }  
 Ditto v. Cork }  
 Palmer v. Marshall (F D, C)  
 Flight v. Camac  
 Woodroffe v. Daniel (part hd.)  
 Gardner v. Marshall  
 Oakes v. Stuckey (F D, C)  
 Thompson v. Atherton } (F D, C)  
 Ditto v. Bardswell }  
 Att.-Gen. v. Hartley } (F D, C)  
 Ditto v. Busfield }  
 Massey v. Westmacott } (F D, C)  
 Ditto v. Spear }  
 Ashburnham v. Wilson  
 Roberts v. Nevill  
 Golding v. Parker }  
 Parker v. Golding }  
 Wynne v. Blackstone  
 Pennell v. Pennell  
 Bazalgette v. Kirlew (E)  
 King v. Plant (E)  
 Noy v. Rowarth (F D, C) }  
 Ditto v. Ditto (Cause, Ptn) }  
 Gwyn v. Gwyn (F D, Ptn)  
 Moore v. Gould (E)  
 Barber v. Southall (F D, C)  
 Medley v. Horton  
 Fryson v. Pole  
 Willoughby v. Willoughby  
 Castellman v. Blumenthal (at defendant's request)

Bazalgette v. Kirlew  
 Turner v. Hyde (F D, C)  
 Clarendon v. Cope (F D, C, Cause) *SA*  
 Stevens v. Stevens (F D, C)  
 May 1  
 Eckley v. Phesey (F D, Ptn)  
 Newman v. Christopher }  
 Ditto v. Ditto }  
 Loder v. Hebden  
 Davis v. Beavan } (F D, C)  
 Wright v. Norris }  
 Hughes v. Evans (5 C. F D, C)  
 Vaughan v. Buck (F D, Ptn)  
 SA, April 21  
 Duke of Leeds v. Earl Amherst (E)  
 Ditto v. Ditto (E dft. Fokes)  
 Winter v. Bromhead (F D, C)  
 Edwards v. Goodwin (E, F D, C)  
 Davis v. Chanter } After  
 Ditto v. Bishop } Trinity  
 Ditto v. Bishop } Term  
 Brocklehurst v. Shaw } (F D, C)  
 Ditto v. Starkey }  
 Dixon v. Butler } (F D, C)  
 Ditto v. Turner }  
 Reynolds v. Richards (F D, C)  
 Attorney-Gen. v. Fitzgerald (3 Causes, F D, C)  
 Thomas v. Wollaston (F D, C)  
 Cripps v. Pickman (F D, C)  
 Winterbottom v. Ingham (F D, C)  
 Balme v. Jones (F D, C)  
 Bartrum v. Denton (F D, C)  
 Midley v. Bulkeley }  
 Ditto v. Sturgis }  
 Ditto v. Haddock }  
 Cooper v. Cooper }

Before the Vice-Chancellor KNIGHT BRUCE.  
 Brwater v. Gill (by order)  
 Jefferson v. Earl of Powis (F D, C)  
 Matthews v. Matthews (F D, C, Ptn)  
 Taylor v. Martindale (F D, C)  
 Hodgkinson v. Hodgkinson (F D, C)  
 Peto v. Gardner (F D, C)  
 Brandon v. Ashton (F D, C, Ptn)  
 Symons v. James } (F D, C)  
 Ditto v. Maggs }  
 Causes transferred from V. C. of England's List.  
 Mangham v. Edwards  
 Dwyer v. Neddy  
 Croft v. Waterton }  
 Waterton v. Croft }  
 Hills v. Hills  
 Newlands v. Paynter (E)  
 Erwin v. Heygate

Milne v. Clegg } (E at defts.  
 Ditto v. Lees } Taylor,  
 Ditto v. Taylor } Hepworth,  
 Ditto v. Clegg } and Clegg)  
 Farden v. Gratton }  
 Ditto v. Lewis }  
 Slade v. Blake }  
 Lee v. Johnson }  
 Lee v. Kirkpatrick }  
 Goss v. James }  
 Johnson v. Bourne }  
 Crow v. Columbine }  
 Willisroft v. Deakin }  
 Tucker v. Robinson }  
 Ditto v. Baxter }  
 Ditto v. Gwyn }  
 New CAUSES.  
 Daniels v. Warren }  
 Davies v. Ravenhill }  
 M'Fee v. Morris }  
 Campness v. Slater *SA*  
 Gawn v. Grove

# Before the Vice-Chancellor WIGRAM.

Broad (pauper) v. Robinson  
 April 21  
 Tatam v. Williams  
 Glyn v. Glyn (F D, C) Apr. 21  
 Stapleton v. Banks } After  
 Ditto v. Ditto } Term  
 Ballard v. White (F D, E)  
 Macmahon v. Burchell  
 Smith v. Cass }  
 Cass v. Ditto }  
 Banks v. Wood April 21  
 Duins v. Lord Rolle  
 Eltoft v. Brown (F D, P C)  
 Selway v. Chappell  
 Salter v. Farey (F D, Ptn)  
 Wood v. Wood  
 Howes v. Davis  
 Roberts v. Williams otherwise  
 Roberts (F D, C)  
 Curd v. Curd  
 Best v. Sedgwick  
 Liley v. Hey (F D, C)  
 Thorpe v. Owen (F D, C)  
 Woodgate v. Field (F D, C Ptn)  
 Carr v. Baldwin

University College, London, v. Bacon  
 Vanderplank v. King (F D, C) April 20  
 Ankers v. Sandford  
 Hepworth v. Healop  
 Forman v. Nevill (E)  
 M'Intosh v. Watson (F D, C)  
 Chapman v. Plumbley (E)  
 Dunn v. Dunn (F D, C)  
 Crowfoot v. Manders (E pltf.)  
 Platt v. Platt (F D, C)  
 Wilton v. Clifton (E)  
 Fletcher v. Morse (F D, C)  
 Crowfoot v. Mander (E dft. John Rawson)  
 NEW CAUSES.  
 Corporation of Gloucester v. Wood  
 Morley v. Rennoldson } (Cau. Ptn)  
 Ditto v. Linkson }  
 part heard, April 19  
 Williams v. Griffiths  
 Harrop v. Howard  
 Solomon v. Waley *SA*  
 Fearnley v. Birkett *SA*

# Rolls Court.

Total.	90	106	4	200	40	71	7	19	4	141	59	17	42
Receptions.	1	6	0	7	0	0	0	0	0	4	3	0	3
Further Directions and Receptions.	2	4	0	6	0	2	0	2	0	4	2	1	1
Further Directions and Causes.	20	36	0	56	18	12	3	3	0	36	20	3	17
Causes.	60	56	4	120	22	48	0	14	4	92	28	7	21
Plates and Denunciations.	7	4	0	11	0	5	0	0	0	5	6	0	0

# ABSTRACT OF BUSINESS IN THE ROLLS COURT,

FROM HILARY TERM TO THE PRINTING OF THE LIST, INCLUSIVE.

Standing in the printed Book for Hearing at the Commencement of Hil. Term, 1843  
 Matters set down after the Printing of the Book for Hilary Term and up to  
 the Close of the Sittings (1843).....  
 Matters in Consent Book .....  
 Total.....  
 Heard and disposed of, or removed from the General Paper—  
 As Short Causes .....  
 In the regular Paper .....  
 Struck out, as abated or compromised, or for some other reason  
 Transferred to the Book of Causes of the Lord Chancellor,  
 after deducting those that have been re-transferred .....  
 Matters in Consent Book .....  
 Total.....  
 Balance undisposed of.....  
 Deduct thereout Matters adjourned beyond this Term .....  
 Total for Hearing this Term .....

## JUDGMENTS.

Attorney-Gen. v. Mayor of  
Shrewsbury  
Greenwood v. Churchill (E)  
Spalding v. Ruding

## CAUSES.

*Adjourned at the request of  
Parties till after 1st day of  
Causes in Easter Term.*

James v. James } *Mich.*  
Ditto v. Ditto } *Term*  
Ditto v. Ditto }  
Jackson v. Jackson *Mich. T.*  
Leavens v. Edmondson } (E,  
Ditto v. Limbert } F D,  
Ditto v. Ditto } C,  
part heard) *Until revived*

Johnson v. Todd } (F D, C,  
Ditto v. Ditto } Ptn) *for*  
Ditto v. Ditto } *Sup. Ca.*  
Whiteway v. Williams (P C)

*till Answer filed*  
Green v. Badley } (F D, C,  
Ditto v. Thompson } Rep by  
order) *last C D in Term*  
Walton v. Potter *Trin. Term*  
Att.-Gen. v. Potter (F D, C)

*Mich. Term*  
Howard v. Prince } *1st day of*  
Ditto v. Stapleton } *Causes*

*after Trinity Term*  
Hammett v. Ledsam *1st day*  
*of Causes after Trin. Term*

Dean and Chapter of Ely v.  
Gayford (Pl of Edw. Hens-  
ley & ors.) *After Appeals*

Same v. Waddelow (Pl of Jas.  
Crowe & ors.) *After Appeals*

Same v. Same (Pl of William  
Hardy & an.) *After Appeals*

Same v. Bliss (Pl of Fred. Ed-  
wards & ors.) *After Appeals*

Same v. Shillito (Pl of Steph.  
T. Shillito & ors.) *After*  
*Appeals*

Same v. Hensley (Pl of Wm.  
Hensley & ors.) *After App.*

*Adjourned at the request of  
Parties till the 1st day of  
Causes in Easter Term.*

Lumsden v. Morison  
Attorney-Gen. v. Drapers'  
Co. (Howell's Charity)

Christian v. Foster (F D, C)  
Lacklison v. Blane  
Stones v. Dixon

Attorney-Gen. v. Lord Mostyn  
(part heard)  
Att.-Gen. v. Irby (F D, C)

*Causes set down since the  
Printing of the Book for  
last Term.*

Hornby v. Bispham }  
Ditto v. Kay } (Ptn)  
Ditto v. Brandon }  
Ditto v. Ward }

Langley v. Fisher *Adj. till*  
*after Appeal*  
Reedhead v. Wells } (E of dft.  
Ditto v. Ditto } Wells,  
F D, C)

Benbow v. Rogers  
Hull v. Gorton (F D, C)  
Matson v. Swift } (F D, C)  
Ditto v. Ditto }  
Ditto v. James }

Leckie v. Hogben  
Haldenby v. Spofforth } (F D,  
Ditto v. Clark } C,  
Clark v. Dunn } Ptn)

Sadler v. Lee  
Wright v. Lakes  
Horwell v. Kirkman

Falkner v. Matthews (F D, C)  
Fraser v. Wood  
Att.-Gen. v. Rickards (E)

Simpson v. Ashworth (F D, C)  
Stocken v. Wallace (Sup. C)  
Stocken v. Dawson } (E  
Ditto v. Ditto } plff.)

Stocken v. Dawson } (E  
Ditto v. Ditto } deft.)

Ditto v. Belcher } (F D,  
Ditto v. Belcher } C)  
Att.-Gen. v. Wright (F D, C)

Waring v. Coventry } (F D,  
Haddy v. Ditto } C)  
Ditto v. Ditto } (F D,  
Ditto v. Ditto } C, Ptn)

Payne v. How  
Ditto v. Withers  
Ditto v. Simmons } (F D, C)  
Withers v. How  
Ditto v. Withers

Ditto v. Simmons  
Payne v. How  
Ditto v. Simmons

Att.-Gen. v. Borough of Hunt-  
ingdon (F D, C)  
Nicholson v. Knight } (F D,  
Impey v. Ditto } C)

Flower v. Hartopp (E)  
Sturge v. Dimsdale } (F D,  
Ditto v. Harford } C)  
Ditto v. Challacombe }  
Ditto v. Dimsdale }

Earl v. Grocock } (F D, C)  
Ditto v. Cort }  
Ditto v. Earl }  
Ditto v. Ditto }

Hanbury v. Spooner } (F D,  
Ditto v. Turner } C)  
Marquis of Hertford v. Lord  
Lowther (E Ctess. Burch-  
holdt)

Alston v. Alston  
Purston v. Prior  
Leedham v. Smith

Colyer v. Clay  
Jordan v. Lowe  
Holl v. Hoyle

Christie v. Courtney  
Wells v. Gibbs

Yorkshire..... *Reg. v. F. Buckley.*  
Devon ..... *Inhabitants of Townstal.*  
Oxfordshire ..... *Inhabitants of Bloxham.*  
Cheshire ..... *Inhabitants of Stayley.*  
Ditto ..... *Inhabitants of Leeds, Yorkshire.*  
Kent ..... *Inhab. of St. Mary, Newington.*  
Durham ..... *Inhab. St. Laurence, in Appleby.*  
Norfolk ..... *Inhabitants of Wymondham.*  
Essex ..... *Churchwardens of Chelmsford.*  
Pembrokeshire ... *Inhabitants of Camrose.*  
Yorkshire..... *Inhabitants of Holbeck.*

## Court of Common Pleas.

## ENLARGED RULES.

<i>To 1st Day.</i>	<i>Enlarged Generally.</i>
Ouchterlony v. Gibson	Johnson v. Shaw
<i>To 5th Day.</i>	
Boys v. Cross	

## NEW TRIALS.

MICHAELMAS TERM, 1842.	Hitchcock v. Humfrey
Lackington v. M'Lachlan	Wicks v. Weir
Lindon v. Sharp	Fitzjames v. Mottram
HILARY TERM, 1843.	Edger v. Knapp
Arnold v. Taylor	Hill v. Ramm

## DEMURRER PAPER.

<i>Wednesday, April 26.</i>	+Poole v. Grantham
*Brockbank v. Anderson	+Gibbins v. Stokes
+Hemsworth v. Bower	+Foster v. Foster
+Kavanagh v. Gudge	<i>Friday, April 28.</i>
+Turnley v. Macgregor	Ashcroft v. Reay.
+Furnivall v. Coombes	
* * The other Argument Days in this Term are—Wednesday, May 3, and Friday, May 5.	
* Case from Nisi Prius.	+ Demurrers.

## CUR. ADV. VULT.

Borradaile v. Hunter	Same v. Same
Harrison v. Heathorne	Same v. Same

## Court of Exchequer.

## NEW TRIALS.

STANDING FOR JUDGMENT.	<i>Moved Easter Term, 1843.</i>
<i>Moved Mich. Term, 1841.</i>	Forbes v. Peacock
Fauntleroy v. Jones	Doe d. Sutherland & ors. v. Abington
<i>Moved Easter Term, 1842.</i>	Edwards & ors. v. Hooper
Heming & Wife v. Power	Stokes v. Savage & ors.
<i>Moved Trinity Term, 1842.</i>	Dunn & an. v. Hill
Davidson v. Cooper & an.	Pardoe v. Price
<i>Moved Mich. Term, 1842.</i>	Williams & ors. v. Skurray
Barbini v. Beech	Bradley & ors. v. Eyre & ors.
Jones v. Williams	v. Nodin & ors.

## FOR ARGUMENT.

<i>Moved Mich. Term, 1842.</i>	Smith v. Cox
Doe d. Johnson v. Liversedge	Bradley & ors. v. Platow & ors.
<i>Moved Hilary Term, 1843.</i>	Edwards v. Baugh
Smith v. Bond	Stringer & an. v. Gemmell
Worrall v. Jenkins	Rayner v. Nash
Mills & an. v. Dyer	Doe d. Fisher & an. v. Grand Junction Canal Company
Isherwood v. Whitmore & ors.	Berrisford v. Berrisford
Marrell v. Oliver & an.	Bradley & ors. v. Urquhart
Manton & an. v. Hetherington	Staite v. Hadden
Gill v. Watson	Bradley & ors. v. Warbury

<i>Moved after the 4th day of Hil. Term, 1843.</i>	Lyall & ors. v. Lindon
Lindus v. Parfett	Sinclair v. Storey
Griffiths v. Taylor	Belcher & ors. v. Magnay & ors.
Oridge & an. v. Sherborn	Thompson v. Ld. Southampton
	Coombe v. Green

## Court of Queen's Bench.

## CROWN PAPER.

Rochester.....	<i>Reg. v. Inhabitants of St. Margaret.</i>
Yorkshire.....	Guardians of the Poor of Hudders- field Union
Ditto .....	Inhab. of Scriven cum Tentergate.
Ditto .....	Inhabitants of Flockton.
Lancashire .....	Inhabitants of Hulme.

## SPECIAL PAPER.

*Remnants from Mich. Term, 1843.*

## STANDING FOR JUDGMENT.

Catherwood v. Caalon  
The General Steam Navigation  
Company v. Guillon

## FOR ARGUMENT.

Bishop of Exeter v. Hawkins  
& ors.  
Bain & an. v. Tollemache  
Taylor v. Ashton & ors.  
Cheston & ors. v. Gibbs & an.

Doe d. The Governor of Queen  
Elizabeth's Hospital, Bris-  
tol, & ors. v. Norton  
Festing v. Allan  
Same v. Johnston  
Mallin v. May  
Smith v. Beeman & an.  
Bishop v. North  
Nash v. Breese  
Hesketh v. Fawcett  
Doe d. Hellyar & an. v. Hellyar

## PEREMPTORY PAPER.

Thursday, April 20, 1843, to  
be taken at the Sifting of  
the Court.

Boardman v. Ainsworth  
Powell v. James & an.  
Davies v. Waddell

Holmes v. Holmes  
Pyne & an. v. Sykes  
Thompson v. Billing  
Doe d. Wright v. Roe  
Hodgson v. Warden

## London Gazettes.

TUESDAY, APRIL 18.

## INSOLVENT.

GEORGE WALL, Oxford, rope maker.

## BANKRUPTS.

DAVID ELLIS, jun., Haverhill, Suffolk, draper, April 27 at  
2, and May 26 at 1, Court of Bankruptcy, London: Off.  
Ass. Pennell; Sol. Ware, 33, Blackman-st., Southwark.—  
Fiat dated April 11.

HENRY WALTON, jun., Crowland, Lincolnshire, wheel-  
wright, April 28 at half-past 2, and May 26 at 12, Court of  
Bankruptcy, London: Off. Ass. Belcher; Sols. Watson &  
Broughton, Falcon-square.—Fiat dated April 13.

WILLIAM PENN, Canterbury, Kent, cabinet maker, April  
25 and June 2 at 1, Court of Bankruptcy, London: Off.  
Ass. Whitmore; Sol. Fidley, 3, Paper-buildings, Temple.  
—Fiat dated April 13.

RICHARD WATKINS CARPENTER, Holloway, cheese-  
monger, April 25 at 2, and June 2 at half-past 1, Court of  
Bankruptcy, London: Off. Ass. Alsager; Sol. Wright,  
London-street, City.—Fiat dated April 10.

WILLIAM FULLER, Cliffe, near Lewes, Sussex, currier,  
May 4 at 1, and May 29 at 12, Court of Bankruptcy, Lon-  
don: Off. Ass. Graham; Sols. Sowton & Co., Gt. James-  
street, Bedford-row.—Fiat dated April 12.

NATHANIEL WEGG, East street, East Greenwich, Kent,  
victualler, May 1 at 2, and May 29 at 11, Court of Bank-  
ruptcy, London: Off. Ass. Turquand; Sols. Parnell & Co.,  
New Broad-street.—Fiat dated April 11.

GEORGE HARRIS, Dorking, Surrey, tailor, April 27 at 2,  
and May 22 at half-past 12, Court of Bankruptcy, London:  
Off. Ass. Graham; Sol. Parry, George-st., Mansion-house.  
—Fiat dated March 31.

JOHN PRATT, Adelaide street, Strand, surgeon, April 28  
at 2, and May 19 at 1, Court of Bankruptcy, London: Off.  
Ass. Johnson; Sol. Pill, 93, Hatton-garden.—Fiat dated  
April 12.

JABEZ VINES, Reading, Berkshire, mealman, April 28 at  
3, and May 24 at 11, Court of Bankruptcy, London: Off.  
Ass. Lackington; Sols. Paine & Hatherley, Great Marlbo-  
rough-street.—Fiat dated April 5.

JOHN PHILIPPS DAVIES, Davies-street, Berkeley-sq.,  
apothecary and surgeon, April 29 at 2, and May 30 at 11,  
Court of Bankruptcy, London: Off. Ass. Groom; Sol. Cox,  
16, Pinners-hall, Old Broad-st.—Fiat dated April 6.

JOHN MORGAN, Woodside, Cheshire, merchant, May 5 at  
1, and May 30 at 12, District Court of Bankruptcy, Liver-  
pool: Off. Ass. Turner; Sols. Lowndes & Co., Liverpool;  
Sharpe & Co., 41, Bedford-row.—Fiat dated April 13.

JOSEPH EDMUND ROBINSON, Liverpool, wine mer-  
chant, April 28 at 12, and May 26 at 1, District Court of  
Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Jenkins,  
Liverpool; Sharpe & Co., Bedford-row.—Fiat dated April 10.

ANTHONY MERGA, Nantwich, Cheshire, watch maker  
and jeweller, May 5 at 12, and May 26 at half-past 1, Dis-  
trict Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols.  
Hostage, Liverpool; Chester & Toulmin, Staple-inn.—Fiat  
dated April 11.

CHARLES WEBB, Kingston-upon-Hull, timber merchant  
and sawyer, May 1 and 26 at 11, District Court of Bank-  
ruptcy, Leeds: Off. Ass. Freeman; Sol. Parker, St. Paul's  
Church-yard.—Fiat dated April 6.

WILLIAM PEATE, Shrewsbury, Shropshire, grocer and  
innkeeper, April 26 at half-past 11, and June 2 at 11, Dis-  
trict Court of Bankruptcy, Birmingham: Off. Ass. Chris-  
tie; Sols. Teece, Shrewsbury; Reece, Birmingham.—Fiat  
dated April 6.

JOHN PARKER, Bolton-le-Moors, Lancashire, cotton-waste  
spinner, April 28 at 1, and May 16 at 2, District Court of  
Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Glover,  
Bolton-le-Moors; Norris & Co., 19, Bartlett's-buildings,  
Holborn.—Fiat dated April 8.

## MEETINGS.

Geo. Schonswar, Ferriby, Kingston-upon-Hull, merchant,  
May 12 at 11, District Court of Bankruptcy, Leeds, pr. d.—  
Geo. Schonswar, jun., Willerby, Kingston-upon-Hull, mer-  
chant, May 12 at 11, District Court of Bankruptcy, Leeds, pr.  
d.—J. Davies, Liverpool, oil merchant, May 13 at 11, District  
Court of Bankruptcy, Liverpool, pr. d.—Benj. Gibbons, jun.,  
and Thos. Stokes, Level Ironworks, Kingswinford, Stafford-  
shire, iron masters, April 29 at 11, District Court of Bank-  
ruptcy, Birmingham, ch. ass.—Fred. Shepley, Farnham, Surrey,  
hop dealer, May 2 at 12, Court of Bankruptcy, London, last  
ex.—John Duncan, Lothbury, and Lombard-street, cloth mer-  
chant, April 27 at 12, Court of Bankruptcy, London, last ex.  
—Thos. Gooch, Dalston-terrace West, and Whitechapel-road,  
timber merchant, April 26 at 12, Court of Bankruptcy, Lon-  
don, last ex.—Geo. Fred. Cobham and W. B. Wright, Cam-  
den-place, Peckham, Surrey, and Gravesend, Kent, builders,  
April 25 at 11, Court of Bankruptcy, London, last ex.—Jas.  
P. Davis, Bromley, Kent, innkeeper, April 26 at 11, Court of  
Bankruptcy, London, last ex.—John Sparham, Troston, Suf-  
folk, miller, April 25 at 11, Court of Bankruptcy, London,  
last ex.—Ed. Morris, Royal Repository, Brighton, Sussex,  
Tunbridge ware manufacturer, April 26 at 1, Court of Bank-  
ruptcy, London, last ex.—Jas. May, Clapham-rise, Surrey,  
china and glass dealer, May 10 at 11, Court of Bankruptcy,  
London, last ex. and aud. ac.—John Carter, Elland, Halifax,  
Yorkshire, corn miller, May 12 at 11, District Court of Bank-  
ruptcy, Leeds, last ex.—John Overington, Arundel, Sussex,  
plumber, May 11 at 12, Court of Bankruptcy, London, and  
ac.—John Bromwell, Kettering-road, St. Giles, Northamp-  
ton, builder, May 11 at 1, Court of Bankruptcy, London, and  
ac.—Fred. John Manning, Dyer's-buildings, London, money  
scrivener, May 11 at half-past 12, Court of Bankruptcy,  
London, and ac.—Robt. Stewart, Santa Fe de Bagota, New  
Granada, manufacturer of artificial granite, May 10 at 11,  
Court of Bankruptcy, London, and ac.—Thomas Hartley,  
Liverpool, hatter, May 10 at 11, District Court of Bankruptcy,  
Liverpool, and ac.—Henry Pitt, Selby, Yorkshire, wine mer-  
chant, June 13 at 11, District Court of Bankruptcy, Leeds,  
and ac.; June 15 at 11, div.—Samuel Fox Stephens, Old  
Broad-street, London, bill-broker, May 11 at half-past 1,  
Court of Bankruptcy, London, div.—James Fisher and Wm.  
Milner, Norwich, drapers, May 10 at 12, Court of Bankrupt-  
cy, London, div.—Henry Thos. Austen, Hen. Maunde, and  
Jas. Tison, Henrietta-street, Covent-garden, bankers, May  
10 at 1, Court of Bankruptcy, London, fin. div. sep. est. H.  
Maunde.—Sir M. Bloom, Kut., Thos. Wilkinson, and Wm.  
Bloom, Gracechurch-st., bankers, May 11 at 11, Court of  
Bankruptcy, London, fin. div.—Hen. Thos. Harrison, Tavi-  
stock-row, Covent-garden, hotel-keeper, May 11 at half-past  
11, Court of Bankruptcy, London, fin. div.—Christopher  
Hall, Piccadilly, upholsterer, May 11 at 12, Court of Bank-  
ruptcy, London, fin. div.—Stephen Law, Great Portland-st.,  
St. Marylebone, upholsterer, May 10 at 11, Court of Bank-  
ruptcy, London, div.—Stephen Sly, Bouverie-street, Fleet-  
street, and Cornwall-road, Lambeth, engraver, May 11 at 1,  
Court of Bankruptcy, London, div.—Henry Baker, Mark-  
lane, merchant, May 9 at 11, Court of Bankruptcy, London,  
div.—Thos. Ball, West-street, Soho, licensed victualler, April  
27 at half-past 2, Court of Bankruptcy, London, div.—John  
Maberley, Welbeck-st., Marylebone, coach manufacturer, May  
10 at 12, Court of Bankruptcy, London, div.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Harrison Curtis*, Soho-square, bookseller, May 11 at 3, Court of Bankruptcy, London.—*Fred. J. Manning*, Dyer's-buildings, London, money scrivener, May 11 at 3, Court of Bankruptcy, London.—*Wm. Russell*, Kingston-upon-Thames, Surrey, innkeeper, May 11 at 3, Court of Bankruptcy, London.—*James Galpin*, sen., Marnhall, Dorsetshire, maltster, May 11 at 3, Court of Bankruptcy, London.—*Jas. Whitelaw and Thos. Whitelaw*, Litchfield-street, Soho, and Store-street, Bedford-square, carpenters, May 9 at 1, Court of Bankruptcy, London.—*John Martin*, Tonbridge-wells, Kent, builder, May 9 at 2, Court of Bankruptcy, London.—*Jas. Bishopp*, Westburton, Bury, Sussex, market gardener, May 10 at half-past 1, Court of Bankruptcy, London.—*David Whalley*, Cirencester, Gloucestershire, scrivener, May 17 at 12, District Court of Bankruptcy, Bristol.—*Geo. Seaborn*, Berkley, Gloucestershire, baker, May 17 at 11, District Court of Bankruptcy, Bristol.—*Wm. Deneor and Wm. Nisey*, Liverpool, woollendrapers, May 16 at 1, District Court of Bankruptcy, Liverpool.—*Joseph Ankrett*, Walsall, Staffordshire, grocer, May 11 at half-past 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 9.*

*Thos. Brightman*, Spalding, Lincolnshire, apothecary.—*J. Walker*, Hayfield, Derbyshire, grocer.—*John Power and J. Wallace*, Liverpool, merchants.—*Samuel Highfield*, Birkenhead, Cheshire, merchant.—*John Bancroft*, Salford, Lancashire, grocer.—*Geo. Goulden*, Liverpool, wine and spirit merchant.—*John Wardle*, Griffin-street, Shadwell, ship-owner.—*Piers Lowe*, Norley, Cheshire, shoemaker.—*A. Collingwood*, Foley, Stoke-upon-Trent, Staffordshire, maltster.

## PARTNERSHIP DISSOLVED.

*Thomas Bignold and Thomas Jones Mawe*, Norwich, and New Bridge-st., London, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Alexander Simson*, Edinburgh, insurance broker.—*William Chivas*, Mains of Blacktown, Aberdeen, cattle dealer.

## DECLARATIONS OF INSOLVENCY.

*Horatio N. Simpson*, Rochdale, Lancashire, moulder.  
*John Heathcock*, Cradley-heath, Rowley Regis, Staffordshire, butcher.  
*William Slater*, Tipton, Staffordshire, lime burner.  
*Edward Kenworthy*, Nouthouram, Halifax, Yorkshire, overlooker of power looms.  
*S. W. Darke*, Stamford-st., Christchurch, Surrey, solicitor.  
*David Boast*, Stockwell-place, Stockwell-green, Lambeth, assistant to a chemist.  
*John Jelley*, Old Stratford, Northamptonshire, schoolmaster.  
*Jesse Platt*, Beeston Lodge, Leeds, Yorkshire, shoemaker.  
*John Whitehead*, Wardleworth, Rochdale, Lancashire, flannel manufacturer.  
*Wm. Wood*, Middlesbrough, Acklam, Yorkshire, grocer.  
*Thomas Walker*, Lincoln, dealer in china.  
*Rich. Sutcliffe*, Bowling, Bradford, Yorkshire, innkeeper.  
*Martin Parker*, Horton, Bradford, Yorkshire, shopkeeper.  
*Aked Popplewell*, Batley, Yorkshire, rag merchant.  
*James Ashworth*, Rochdale, Lancashire, dealer in tea.  
*Wm. Bickford Jackson*, jun., Chorlton-upon-Medlock, Lancashire, fustian manufacturer.  
*Robert B. Walton*, Waterloo-lodge, Haverstock-hill, Hampstead, out of business.  
*Bell Copeman*, Norwich, linen draper.  
*Thomas Pickering*, Bradfield, Ecclesfield, Yorkshire, edge-tool grinder.  
*Robert Hannam*, Headingley, Leeds, Yorkshire, book-keeper.  
*George B. Hirst*, Dighton, Huddersfield, Yorkshire, licensed victualler.  
*Thomas Richardson*, Liverpool, builder.  
*Saml. Shutt*, Stoke-upon-Trent, Staffordshire, butcher.  
*Wm. Freethy*, Kirby-st., Hatton-garden, appraiser.  
*Alfred Willsher*, Great Dunmow, Essex, veterinary surgeon.  
*Geo. Gleadhill*, Dewsbury, Yorkshire, blanket manufacturer.  
*H. W. Ravenscroft*, Mitre-st., Lambeth, wig maker.  
*John Lee*, Ettingshall, Sedgley, Staffordshire, baker.  
*A. Evans*, Tividale, Rowley Regis, Staffordshire, mine agent.

## INSOLVENT DEBTORS.

*Saturday, April 15.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Charles Newman*, Plaistow, Essex, out of business, No. 34,635 T.; Saml. Sturgis, new assignee, in the room of Geo. Ridley, removed.—*Joseph Ellis*, Launton, Oxfordshire, farmer, No. 12,598 C.; Wm. Cole, new assignee, in the room of Wm. Powell, deceased.—*B. Wm. Ebhart*, Chelsea-college, Chelsea, major in the Queen of Spain's service, No. 46,416 T.; Saml. Sturgis, new assignee, in the room of Thos. Wood, deceased.—*John Turner*, Market Weighton, Yorkshire, out of business, No. 38,039 C.; Thos. Shepherd and the Rev. S. Shepherd, new assignees, in the room of Wm. Cooper and S. Shepherd, deceased.—*Peter Kennedy*, Liverpool, livery-stable keeper, No. 61,763 C.; Wm. Holcroft, assignee.—*Wm. Mann*, Bury St. Edmunds, Suffolk, grocer, No. 61,625 C.; John Watson and Jonathan Pyman, assignees.—*Rich. Hake*, sen., Crutched-friars, London, out of business, No. 53,265 T.; Langford Frost, assignee.—*James Long*, Clevedon, Somersetshire, farmer, No. 62,110 C.; John Cook, assignee.—*John Clayton*, Blue-town, Sheerness, Kent, plumber, No. 61,693 C.; B. E. Batley and W. Batley, assignees.—*George Pearson*, Grassmere, Westmoreland, drysalter, No. 52,631 C.; John Wilson, assignee.—*Wm. Alley*, Prospect-place, Bridge-street, Mile-end, Middlesex, stationer, No. 40,676 T.; Geo. Alley, new assignee, in the room of Wm. Clarke, deceased.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, May 9 at 9.*

*James M. Walker*, Wakefield-st., Brunswick-sq., out of business.—*Adam Preston*, North-place, Green-street, Bethnal-green, out of business.—*George G. G. Jordan*, Thame, Oxfordshire, horse dealer.

*May 11, at the same hour and place.*

*Thomas Keeling*, Peckham-rye, Surrey, attorney at law.—*W. H. Akehurst*, Radcliffe-terrace, Goswell-road, out of business.—*Henry Dowers*, Bishopsgate-street Within, London, general merchant.—*Richard Crannis*, Church-court, Richmond, Surrey, porkman.—*Wm. Odell*, Wilsden, Middlesex, plumber.—*John H. Baker*, Clement's-lane, Strand, commission agent.—*Chas. Francis*, Camden-place, Turnham-green, Middlesex, bricklayer.—*H. Cowdery*, Uxbridge-moor, near Uxbridge, Middlesex, dealer in hay.

## INSOLVENT DEBTOR'S DIVIDEND.

*Thomas Waterhouse*, Lindley, near Huddersfield, clothier, at Dyson's, Lindley: 5d. in the pound.

**FRIDAY, APRIL 21.**

## INSOLVENT.

**SARAH MOORE**, White Lion-court, Birchin-lane, Cornhill, baker.

## BANKRUPTS.

**EDWARD VAUGHAN AUSTIN**, Paradise-street, Rotherhithe, Surrey, apothecary and surgeon, May 3 and 30 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Hileary & Co., Fenchurch-st.—Fiat dated April 18.  
**DANIEL DAVIS**, Newington-causway, Surrey, earthenware dealer, May 4 at half-past 1, and May 29 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Lewis, Wilmington-square.—Fiat dated April 12.  
**MARY BUCHANAN**, Shere, near Guildford, Surrey, brewer, May 4 at half-past 1, and June 2 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Dimmock & Burbey, 12, Skinner-place, Size-lane, Bucklersbury.—Fiat dated April 3.  
**THOMAS WALKER**, Poulton in the Fylde, Lancashire, grocer, druggist, and master mariner, May 5 and June 2 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Winstanley & Charnley, Preston; Gregory & Co., Bedford-row.—Fiat dated April 13.  
**THOMAS BROOKE**, Liverpool, victualler, May 9 at 11, and June 2 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Francis & Dodge, Liverpool; Bridge & Co., Finsbury-circus.—Fiat dated April 18.

## MEETINGS.

*Wm. Hand*, Mollleston, Pembrokeshire, coal merchant, May 3 at 1, District Court of Bankruptcy, Bristol, pr. d.—*Joseph*

Taylor, Middlesbrough, Yorkshire, coal fitter, May 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—*Thos. Norrington*, Writtle, Essex, wheelwright, May 1 at half-past 1, Court of Bankruptcy, London, last ex.—*James M. Primes*, Gosport, Southampton, grocer, May 4 at 12, Court of Bankruptcy, London, last ex.—*Alex. Winton*, D. Winton, and *Jas. Webber*, Wood-st., Cheapside, warehousemen, May 4 at 11, Court of Bankruptcy, London, last ex.—*Thos. Whittmarsh*, Tunbridge-wells, Kent, and Sussex, hotel-keeper, May 6 at half-past 1, Court of Bankruptcy, London, last ex.—*Nath. Dickinson*, Ancoats, Manchester, dyer, May 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Jones*, Liverpool, coal dealer, May 23 at 11, District Court of Bankruptcy, Liverpool, last ex.—*John Todd*, Hylton-ferry, Durham, ship-builder, April 28 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Alexander Featman* and *Aubrey Lum*, Fore-street, London, chemists, May 16 at 12, Court of Bankruptcy, London, aud. ac.—*W. H. Swain*, Farnham, Surrey, draper, May 16 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*William Butler*, Holborn-hill, victualler, May 16 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Robt. Pease*, Leeds, Yorkshire, mahogany merchant, May 2 at half-past 2, Court of Bankruptcy, London, aud. ac.; May 13 at half-past 2, div.—*Joseph Horatio Ritchie*, Clyde-dock, Rotherhithe, Surrey, shipwright, May 20 at 12, Court of Bankruptcy, London, aud. ac.—*John Orbell*, Brundon, Essex, miller, May 20 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Daniel K. Price* and *Daniel Price*, Pilgrim-st., Ludgate-hill, warehousemen, May 20 at 1, Court of Bankruptcy, London, aud. ac.—*David Robertson*, Liverpool, Lancashire, merchant, May 12 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Cantiffe*, Liverpool, coach proprietor, May 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Henry Clapham*, Liverpool, woollen draper, May 12 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*William Castle*, Wainborough, Wiltshire, sheep dealer, May 16 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Jos. Cooper*, Sutton, near Macclesfield, Cheshire, mercer, May 10 at 12, District Court of Bankruptcy, Manchester, aud. ac.; May 11 at 12, div.—*Jas. Brown*, Newcastle-upon-Tyne, cooper, May 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; May 16 at 10, div.—*John Crowther*, Huddersfield, Yorkshire, corn miller, May 17 at 1, District Court of Bankruptcy, Leeds, aud. ac.—*John Jenks*, Nottingham, lace manufacturer, May 13 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Wildy*, Oxford-street, hatter, May 12 at half-past 1, Court of Bankruptcy, London, div.—*Thos. Park*, Finch-lane, merchant, May 12 at 12, Court of Bankruptcy, London, div.—*Edw. Stratton*, Longcot, Berkshire, corn dealer, May 12 at 11, Court of Bankruptcy, London, div.—*Geo. Deane*, Upper Tooting, Surrey, livery-stable keeper, May 19 at 1, Court of Bankruptcy, London, div.—*Richard Halford*, *Wm. Hen. Baldock*, and *Osborn Snoultens*, Canterbury, bankers, May 16 at 11, Court of Bankruptcy, London, div.—*Wm. P. Kay* and *Edw. N. Kendall*, Douglas, near Frederickton, Yorkshire, New Brunswick, British North America, brewers, May 16 at 2, Court of Bankruptcy, London, div. sep. est. *Edw. N. Kendall*.—*Julius Mott*, Loughborough and Leicester, wine and spirit merchant, May 16 at 1, Court of Bankruptcy, London, div.—*Lewis Durlacher*, Old Burlington-st., Westminster, picture dealer, May 16 at 12, Court of Bankruptcy, London, div.—*Jas. Hodson*, Reading, Berkshire, druggist, May 12 at 12, Court of Bankruptcy, London, div.—*William Webb*, Liverpool, ironmonger, May 18 at 12, District Court of Bankruptcy, Liverpool, div.—*Wm. Denver* and *Wm. Nissey*, Liverpool, woollen drapers, May 18 at 1, District Court of Bankruptcy, Liverpool, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Alex. Yeatman*, Fore-street, London, chemist, May 16 at 12, Court of Bankruptcy, London.—*Hen. Clarke*, George-street, Mansion-house, lock manufacturer, May 12 at 2, Court of Bankruptcy, London.—*John S. Gowing*, Lowestoft, Suffolk, grocer, May 12 at 2, Court of Bankruptcy, London.—*Wm. Newton*, Macclesfield, Cheshire, silk throwster, May 12 at 2, Court of Bankruptcy, London.—*Thos. Chas. Clarkson*, Commercial-road, Lambeth, Surrey, tanner, May 15 at 11, Court of Bankruptcy, London.—*Joseph Lindon*, Plymouth,

Devonshire, merchant, May 17 at 11, District Court of Bankruptcy, Exeter.—*Wm. Whitley*, Liverpool, merchant, May 18 at 11, District Court of Bankruptcy, Liverpool.—*David W. Banks*, Manchester, dealer in piano-fortes, May 16 at 12, District Court of Bankruptcy, Manchester.—*E. Rowbottom*, Manchester, flour dealer, May 12 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 12.

*Robt. Judd*, Melton Mowbray, Leicestershire, draper.—*G. Young*, Hatton-garden, card maker.—*Robt. Steane* and *Rich. Steane*, Coventry, ribbon manufacturers.—*Thos. Millington*, Nottingham, sail manufacturer.—*Fred. Plank*, Plymouth, Devonshire, perfumer.—*John Bennett*, Reading, Berkshire, railroad contractor.—*Edw. Davies*, Great Crosby, Lancashire, blacksmith.—*George Walton*, Kingsland-road, Shoreditch, timber merchant.—*John P. Cotterill*, Worcester, grocer.—*James Lea*, sen., and *T. Patrick*, Worcester, butchers.—*Wm. Morris*, Long-lane, Bermondsey, Surrey, leather dresser.—*R. Shepherd*, Liverpool, shoemaker.—*Thomas Holland*, Birmingham, iron tube manufacturer.

## FIATS ANNULLED.

*Benjamin Jones*, Llanidloes, Montgomeryshire, banker.—*H. Marklew*, Henley-upon-Thames, Oxfordshire, innkeeper.

## PARTNERSHIP DISSOLVED.

*Thomas Churchyard* and *Dani. Chas. Meadows*, Wood-bridge, Suffolk, attornies and solicitors.

## SCOTCH SEQUESTRATIONS.

*John Hope*, Tenant, Harelaw, Newton, Edinburgh, deceased.—*David Thomson*, Edinburgh, spirit merchant.—*R. Thomson*, Edinburgh, grocer.

## DECLARATIONS OF INSOLVENCY.

*George Adds*, Park-lane, St. Luke's, Chelsea, builder.  
*Richard Lloyd*, Dudley, Worcestershire, surgeon.  
*Charles King*, Robert-st., Chelsea, clerk in the census office.  
*Henry Halsted*, Chichester, Sussex, stonemason.  
*Edward E. Day*, Bristol, surgeon.  
*William Stead*, Huddersfield, Yorkshire, overlooker.  
*James Broadbent*, Lane-end, Dalton, Kirkheaton, Yorkshire, woollen fancy manufacturer.  
*Arthur Cox*, Bridgewater, Somersetshire, innkeeper.  
*Daniel Wood*, Cheltenham, Gloucestershire, cabinet maker.  
*Thomas Huskinson*, East Bridgford, Nottinghamshire, farmer.  
*Wm. Glenn*, Liverpool, ale and porter dealer.  
*Wm. Thomas*, Exeter, accountant.  
*James Longworth*, Little Bolton, Lancashire, dealer in malt.  
*Jonas Binns*, North-side, Kew-green, Surrey, linen draper.  
*John Gardner*, Chalk, Kent, wheelwright.  
*James Carpenter*, Kidlington, near Oxford, grocer.  
*Phebe Jones*, Ludgate-hill, London, milliner.  
*Wm. Kempster*, Aston, Warwickshire, coal dealer.  
*John Everett*, Cross-st., Islington, out of business.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 12 at 9.

*John Palmer*, Brill-place, Somers-town, baker.—*Eliz. Johnson*, Johnson-st., Sun Tavern-fields, St. George's in the East, Middlesex, widow, scavenger.

May 15, at the same hour and place.

*George Dines*, St. Mary Axe, London, chief steward of the Batavia steam ship.—*Ephraim Batchelor*, Arthur-st., Gray's-inn-lane, out of business.—*Thomas Smith*, Bond-st., Chelsea, cowkeeper.—*George M. Newman*, Upper Cleveland-street, Fitzroy-sq., pork butcher.—*Wm. Mowatt*, Marshall-street, London-road, Southwark, livery-stable keeper.—*Geo. Ray*, Shepherd-st., Tenter-ground, Spitalfields, shoemaker.—*Hen. Edwards*, Park-place, Liverpool-road, Islington, out of business.—*Robert Field*, Conduit-st., Bond-st., out of business.

## INSOLVENT DEBTOR'S DIVIDEND.

*Robert Birkett*, Toxteth-park, Liverpool, joiner, at Stockley & Thompson's, Liverpool: 2s. 9d. in the pound.

MASTER IN CHANCERY.—The Lord Chancellor has appointed Thomas Acres Curtis, of Guildford, Surrey, Gent., to be a Master Extraordinary in the High Court of Chancery.

## ENGLISH LAW JURISPRUDENCE.

**THE Course of Lectures of PROFESSOR CAREY** on the LAW of CONTRACTS, will commence on Monday next, 24th instant.

That of PROFESSOR GRAVES on the LAWS of WAR and the RIGHTS and DUTIES of NEUTRAL NATIONS, on Tuesday, the 25th instant. Hour of Lecture, half-past seven P. M. Fee, 2*l*. for each course.

GEORGE LONG, A. M.,

Dean of the Faculty of Arts and Laws.

University College,  
London, April 18, 1843.

CHARLES C. ATKINSON,  
Secretary to the Council.

**LAW.**—The Advertiser, who has devoted some years to the study of the Law of Real Property, would be glad in Exchange, for a moderate Remuneration, to render Assistance in the Conveyancing Department of a respectable Town Office.

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## NEW BANKRUPT AND INSOLVENT LAW.

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\*.\* In insolvency many days' incarceration may be avoided, by early instruction being given prior to custody.

## LAW BOOKS.

Mr. HODGSON will SELL by AUCTION, at his Great Room, 192, Fleet-street, (Corner of Chancery-lane), on THURSDAY, next, April 27, at half-past 12,

**VALUABLE LAW BOOKS**, including the LIBRARIES of TWO COUNTRY SOLICITORS. Amongst which are, Law Journal complete; the Statutes at Large; Hansard's Parliamentary History and Debates, 136 vols.; Howell's State Trials, 32 vols.; Doomsday Book, 2 vols.; Mirror of Parliament, 19 vols.; Comyns's Digest, by Hammond, 8 vols.; Viner's Abridgment and Supplement, 30 vols.; the Reports of Coke, Croke, Saunders, Shower, Salkeld, Levinz, Lord Raymond, Burrow, Douglas, Durnford & East, East, Maule & Selwyn, Barnewall & Alderson, Barnewall & Cresswell, Barnewall & Adolphus, Adolphus & Ellis, Chitty, Bosanquet & Puller, J. B. Moore, Bingham, Peere Williams, Atkyns, Dickens, Brown, Eden, Vesey jun., Jacob & Walker, Jacob, Ball & Beatty, Dow, &c. &c.; Treatises and Books of Practice.

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# The Jurist

No. 329.

APRIL 29, 1843. With Supplement, 1s. 6d.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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LONDON, APRIL 29, 1843.

WE now resume the subject of our last Number, and proceed to consider the cases relative to a mortgagee giving notice of his mortgage to the mortgagor's tenant. In these it is assumed that there has not been any redemption; for, if so, the tenant would be in the situation of an under-lessee, and the mortgagee would have no right to require the rent payable by the tenant to be paid to him. And perhaps even without any re-demise a mortgagee may so bind himself by his own conduct, as to be precluded from treating the mortgagor's lessee as a trespasser, and a recognition of the tenant's right to hold may perhaps be inferred from the mere circumstance of the mortgagee's knowingly permitting the mortgagor to continue the apparent owner of the premises as before the mortgage, and to lease them out exactly as if his property in them continued. (See, per Lord Denman, *Evans v. Elliot*, (9 Adol. & Ell. 355). We are now therefore to deal with cases in which the mortgagee may treat the tenant as a trespasser. In such he may, without giving any notice, bring an action of ejectment; but if he prefer that the tenancy should continue, and give notice to the tenant to pay the rent to him, it becomes important in the first place to ascertain the precise effect of such a notice, and under what circumstances the relation of landlord and tenant is created between the mortgagee and tenant, so that the former may distrain for the rent, and the latter be entitled to a notice to quit. The dictum of Bayley, J., in *Pope v. Bigg*, (9 B. & C. 245), seems first to have afforded a foundation for the opinion, that the giving of the notice might create a tenancy. "I have no doubt," he says, "that, in point of law, a tenant who comes into possession under a demise from a mortgagor, after a mortgage executed by him, may consider the mortgagor his landlord so long as the mortgagee allows the mortgagor to continue in possession and receive the

rents, and that payment of the rents by the tenant to the mortgagor without any notice of the mortgage is a valid payment. But the mortgagee, by giving notice of the mortgage to the tenant, may thereby make him his tenant, and entitle himself to receive the rents." This dictum appears to have been recognised in *Waddilove v. Barnett*, (2 Bing., N. C., 538), which we shall have occasion to refer to for another purpose. In *Evans v. Elliot*, before quoted, the mortgagee gave the tenant of the mortgagor notice to pay the rent to him, and upon his not doing so distrained; and the question was thus raised, whether the mere giving the notice made the mortgagor's tenant a tenant to the mortgagee. The court held that it did not, and that the tenant's attornment was at least necessary. Previously to this, the correctness of the dictum in *Pope v. Bigg* had been questioned in *Partington v. Woodcock*, (5 Adol. & Ell. 690). But the case of *Brown v. Storey* (1 M. & G. 117) shews, that if the tenant, after receiving the notice, remains in possession without repudiating it, that will be evidence of a new tenancy under the old terms; and so, consistently with *Evans v. Elliot*, there may and generally will be a tenancy created, although nothing is done beyond giving the notice.

The conclusion to be drawn from the cases is, that, in order to make a tenancy to the mortgagee, there must be the assent of both parties; that of the mortgagee is shewn by the giving the notice, and that of the tenant may be inferred from his remaining in possession, without repudiating it; but that the mere giving the notice cannot create a tenancy. Next, as to how the tenant is to avail himself of the claim by the mortgagee as a defence against a subsequent claim by the mortgagor. With respect to this, a difficulty is created by the rule that a tenant shall not be allowed to deny his landlord's title. In *Johnson v. Jones*, (9 Adol. & Ell. 809), which was an action of replevin, and the defendant avowed for the balance of one year's rent, a plea of pay-



ment of it to a mortgagee, to whom the premises had been mortgaged in fee before the demise to the plaintiff, and who had demanded payment and threatened to put the law in force in case of refusal, was held good, as being in substance a plea of payment; and the case of *Alchorne v. Gomme*, (2 Bing. 54), in which a plea of notice by the mortgagee, and attornment by the tenant, and payment of the rent to him, was held bad as amounting to a denial of the landlord's title, seems to have been distinguished from it on the ground that the plaintiff had not, as in that case, made himself a tenant to the mortgagee by attornment, and that he did not deny that he held as tenant to the mortgagor, but shewed that the rent had been satisfied by the payment which he had been compelled to make to the mortgagee. In *Pope v. Bigg*, before quoted, the mode of raising the defence did not come in question. In *Waddilove v. Barnett*, (ubi supra), which was an action for use and occupation, the question was, whether a notice by the mortgagee to pay all arrears of rent then due and all future rent to him might be given in evidence under the general issue. It was held, that as to the future rent it might, because it shewed that the defendant did not then occupy by the permission and sufferance of the mortgagor, and was a denial of a matter of fact from which a promise might be implied by law; but as to the arrears, that the notice must be specially pleaded, for there had been an occupation by the plaintiff's permission, and the defence was in confession and avoidance. In this case it is not stated that the rent had been paid to the mortgagee, and the special plea could not have been a plea of payment; but as this point was not discussed, it must not be assumed that it is unnecessary to the tenant's defence that he should have actually paid the mortgagee. We think, indeed, that the tenant must, to defend himself against the mortgagor's claim, shew that he has paid the rent to the mortgagee under compulsion; and that, although between himself and the mortgagee a new tenancy may have been created, he cannot, except in an action for use and occupation, allege that he has ceased to hold of the mortgagor and become the tenant of the mortgagee.

The law respecting the costs both of civil and criminal proceedings has been subjected from time to time to legislative interference, and in most cases it has been determined, that as far as possible, a party shall not be put to inconvenience in seeking after his rights. Thus, the Statute of Gloucester allowed a successful plaintiff to recover from the defendant not only the damages he sought but the costs of suit incurred; the 4 Jac. 1, c. 3, throws a like protection round successful defendants. It was not until the year 1752 that any step was taken towards securing to the prosecutor of an indictment the expenses to which he was necessarily put. But in that year was passed the 25 Geo. 2, c. 36, which, after reciting "that many persons are deterred from prosecuting persons guilty of felony upon account of the expense attending such prosecution," gives the court power, upon the prayer of the prosecutor, to order the treasurer of the county to pay to him a reasonable sum for the expenses of the prosecution. All the provisions of this and subsequent acts are now embodied in the 7 Geo. 4, c. 64, which extends, not only to felonies, but to some cases of misdemeanor. Of all the parties, therefore, who now appear in a court of justice, but one is without this protection, a prisoner at the bar. A plaintiff who knows his claim to be a fair and legal one, can enforce it with a feeling of security that his expenses will be reimbursed him by the party whom he sues; a defendant may with safety resist an illegal demand; a prosecutor may appear before the court with a long train of witnesses, and look to the county to defray his charges; but the suspected prisoner, although conscious of his innocence, is alone denied the requisite assistance.

It is an old maxim of the Criminal Law of this country, that it is better for ninety-nine guilty persons to escape, than that one innocent man should suffer. For a very long period this maxim was only theoretically true; for practically prisoners were denied the means of making a full defence, counsel being allowed them for no other purpose than to examine witnesses, and to argue any points of law which might arise during the progress of the case. But in 1836 the 6 & 7 Will. 4, c. 114, was passed, and the privilege of counsel, with unrestricted powers of exertion, accorded to all such prisoners who can afford to pay for it. Since the preamble to this statute acknowledges the principle, that "it is fair and reasonable that persons accused of offences against the law should be enabled to make their full answer and defence to all that is alleged against them," it is clear, that, if under the present system the opportunity to make that full defence is denied to prisoners, the Legislature has not by its provisions effected what it intended. But one question remains to be answered, a question of fact. Is a prisoner enabled to make his full answer and defence? Undoubtedly, there is a class of persons who can. A member of a well-organised gang of offenders may be supported out of the funds of his companions; a man really guilty, who has managed to secure the plunder, can afford to employ a professional person to watch over his interests. But he who has borne an unsullied character, who is guiltless of the offence with which he is charged, and whose only crime is poverty, oftentimes runs the risk of being sacrificed, from the want of pecuniary means to establish his innocence.

In the year 1808, Sir Samuel Romilly introduced into the House of Commons a bill to invest criminal courts with a power of making to persons acquitted of felonies, a compensation to be paid out of the county rates for the expenses to which they might have been put, the loss of time they might have incurred, and the imprisonment and other evils they might have suffered. The measure was objected to upon the grounds, that it would cast an invidious duty upon the court, and that it would throw a heavy burden upon the county rate. The first objection is of very little weight: no judge, save a very weak one, would object to give his certificate when the jury fairly acquitted a man upon the merits, nor to exercise his judgment as to whether the acquittal were proper or not. With respect to the second, it is to be hoped, that, at this day, it would not for a moment prevail. When justice and mercy are on one side, and a trifling expenditure out of a county rate upon the other, let us hope that there would be no question which should be preferred.

There were many obstacles in the way when Romilly introduced his bill; none present themselves now, for the very principle for which he contended has been acknowledged to be a true one. All that is asked for—al perhaps which it would be expedient to grant, is simply that there should be secured to a prisoner who has been acquitted by the jury, to the satisfaction of the judge the costs which may have been incurred about matters essential to his defence.

#### COURT OF EXCHEQUER. 6 VICTORIA.—April 28.

This Court will, on Tuesday, the 16th day of May next, and on Wednesday the 17th, and on Thursday the 18th days of the same month, hold Sittings, and will proceed in disposing of the business pending in the Special Paper.

BY THE COURT.

Read in open Court, April 28, 1843,  
STEPHEN RICHARDS, Master.

## Imperial Parliament.

### HOUSE OF LORDS.

Thursday, April 27.

Lord Campbell laid on the table a Bill relating to the Succession to moveable Property in Scotland, which was read a first time.

### HOUSE OF COMMONS.

Tuesday, April 25.

The Chancellor of the Exchequer moved for leave to bring in a Bill to abolish certain Offices on the Crown side of the Queen's Bench, and to place the Crown Office in the same position as other Courts; throwing it open to all practitioners. It was proposed to have three paid officers instead of fourteen.

Sir James Graham obtained leave to bring in a Bill to establish County Courts throughout England and Wales. The measure was the same as that proposed last Session.

Thursday, April 27.

Mr. Jervis brought in a Bill (which was read the first time) for improving the proceedings in the Supreme Courts in certain actions for amounts not exceeding 20*l*. The object was to simplify the proceedings and appoint local assistants.

### BILL IN PROGRESS.

*A Bill intituled An Act to lessen the Expense attending the Transfer of Freehold Lands of small Value.*

Whereas it is expedient to facilitate the sale and conveyance of freehold lands, where the consideration for the purchase of the same shall not exceed the sum of £—; That whensoever, upon any contract for the sale of lands of freehold tenure, the purchase-money or pecuniary consideration agreed to be paid or allowed for the same shall not exceed the sum of £—, it shall be lawful and sufficient for the vendor of such lands to convey or assure the fee-simple of the same lands to the purchaser thereof by an instrument to be made according to the form set forth in the schedule to this act annexed, or as near thereto as circumstances will permit.

2. That every such instrument, duly executed and attested as hereafter required, shall be denominated and pleaded as a grant made in pursuance of this act, and shall, as between the parties thereto, and as to the lands therein comprised, have such and the same force and effect as a lease and release by the same parties.

3. That in the first column of the said form set forth in the schedule to this act shall be inserted at length the name or names, and the rank, profession, trade, or calling, and place of abode of the grantor by whom the lands therein comprised are intended to be conveyed or assured; and that such grantor shall likewise in the same column sign or subscribe his own name or names with his ordinary and accustomed signature or subscription; and further, that in the second column of the said form set forth in the schedule to this act shall in like manner be inserted at length the name or names, and the rank, profession, trade, or calling, and place of abode of the grantee to whom the lands therein comprised are intended to be conveyed or assured; and that such grantee shall also in the same column sign or subscribe his own name or names with his ordinary and accustomed signature or subscription; and that no form shall take effect or operate under or by virtue of this act unless the same be duly signed or subscribed by the grantor and also by the grantee in the manner hereinbefore required.

4. That in every such form as aforesaid, the signature or subscription of the grantor and also of the grantee shall be made or acknowledged in the presence of two or more witnesses present at the same time; and that such witnesses shall likewise sign or subscribe their own names in the said form in the presence of the party or parties whose signature or subscription such witnesses shall respectively attest, and that no other form of attestation shall be necessary; and that no form shall take effect or have any operation under or by virtue of this act unless the same be attested as hereinbefore required: Provided always, that no person named as a grantor or grantee in any such grant shall be competent to be a witness to the signature or subscription of any other party thereto.

5. That in the third column of every such form the price or sum of money paid, given, or allowed as or for the consideration of such conveyance, shall be stated and set forth in words at length; and that no such grant shall be valid unless the con-

sideration thereof be truly stated and set forth in the manner hereinbefore required.

6. That in the fourth column of the said form there shall be contained a sufficient description, by metes and bounds or otherwise, of the lands in such grant comprised and intended to be thereby conveyed or assured.

7. That every such form signed and attested in manner hereinbefore required shall be valid and effectual, without any sealing or delivery, or any other ceremony or proceeding whatsoever.

8. That if any person who shall attest the execution of any such grant as aforesaid be at the time of the execution thereof or at any time afterwards incompetent to be admitted a witness to prove the execution thereof, such grant shall not on that account be invalid.

9. That from and immediately after the execution and attestation in manner aforesaid of any such grant as aforesaid, the lands therein comprised shall be held to be well and effectually vested in the grantee thereof, and his heirs and assigns for ever, free from the dower of any present or future wife.

10. That every such grant of lands, tenements and hereditaments executed and attested in manner hereinbefore required, shall be held and construed to include all houses, outhouses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, watercourses, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever to the lands, tenements, and hereditaments therein comprised, belonging, or in any way appertaining; and also the reversion and reversions, remainder and remainders, yearly and other rents, issues, and profits of the same lands, tenements, and hereditaments, and of every part and parcel thereof; and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the grantor, in, to, out of, or upon the same lands, tenements, and hereditaments, and every part and parcel thereof, with their and every of their appurtenances.

11. That in every such grant of lands, tenements, and hereditaments executed and attested in manner hereinbefore required the person whose name is inserted in the first column of the form contained in the schedule to this act doth, by signing or subscribing his name therein, in the manner hereinbefore mentioned, covenant, promise, and agree, for himself, his heirs, executors, and administrators, to and with the person whose name is inserted and signed or subscribed in the second column of the said form, in the manner hereinbefore mentioned, that, for and notwithstanding any act, deed, matter, or thing whatsoever by him the said grantor made, done, omitted, committed, executed, or knowingly or wittingly suffered to the contrary, he the said grantor hath in himself good right, full power, and lawful and absolute authority to grant, convey, and assure the said lands, tenements, and hereditaments thereby granted, conveyed, and assured, with the appurtenances, unto and to the use of the said grantee, his heirs and assigns, and that it shall and may be lawful for the said grantee, his heirs and assigns, from time to time and at all times thereafter, peaceably and quietly to enter into, hold, occupy, possess, and enjoy the said lands, tenements, and hereditaments thereby granted, conveyed, and assured, with their appurtenances, and to have, receive, and take the rents, issues, and profits thereof and of every part thereof to and for his own use and benefit, without any lawful let, suit, trouble, denial, claim, demand, interruption, or eviction whatsoever of or by him the said grantor or his heirs, or of, from, or by any other person or persons whomsoever lawfully or equitably claiming or to claim by, from, or under, or in trust for him, them, or any of them, and that free and clear, and freely and clearly and absolutely acquitted, exonerated, released, and for ever discharged or otherwise by the said grantor, his heirs, executors, and administrators, well and sufficiently saved, defended, kept harmless, and indemnified of, from, and against all and all manner of former and other gifts, grants, bargains, sales, jointures, dowers, and all rights and titles of or to dower, uses, trusts, entails, wills, mortgages, leases, statutes merchant or of the staple, recognizances, judgments, executions, extents, rents, arrears of rent, annuities, legacies, sums of money, yearly payments, forfeitures, re-entry, cause and causes of forfeiture and re-entry, debts of record, debts due to the Queen's Majesty, and of, from, and against all other estates, titles, troubles, charges, debts, and incumbrances whatsoever, either already had and

made, executed, occasioned, and suffered, or hereafter to be had, made, executed, occasioned, and suffered by the said grantor or his heirs, or by any other person or persons lawfully or equitably claiming or to claim by, from, or under or in trust for him, them, or any of them, or by his or their acts, deeds, means, default, or procurement; and further, that he the said grantor and his heirs, and all and every other person or persons having or claiming, or who shall or may at any time after the execution of the said grant have or claim, any estate, right, title, interest, inheritance, use, trust, property, claim, or demand whatsoever, either at law or in equity, of, in, to, or out of the said lands, tenements, and hereditaments thereby granted, conveyed, and assured, with their appurtenances, or any of them, or any part thereof, by, from, or under or in trust for him the said grantor or his heirs, shall and will from time to time and at all times after the execution of the said grant, upon every reasonable request to be made for that purpose, by and at the proper costs and charges of the said grantor, his heirs or assigns, make, do, acknowledge, and execute, or cause or procure to be made, done, acknowledged, and executed, all such further and other lawful and reasonable acts, deeds, things, devices, conveyances, and assurances in the law whatsoever for the better, more perfectly, and absolutely granting, conveying, and assuring of the said lands, tenements, and hereditaments thereby granted, conveyed, and assured, and every part thereof, with their appurtenances, unto and to the use of the said grantor, his heirs and assigns, in manner aforesaid, or by the said grantee, his heirs or assigns, or his or their counsel in the law, shall be reasonably devised, advised, and required: Provided always, that no such further assurance or assurances shall contain or imply any further or other covenant or warranty than against the person or persons who shall be required to make or execute the same, and his, her, or their heirs, executors, and administrators' acts and deeds: Provided also, that the person or persons who shall be required to make such further assurance or assurances shall not be compelled or compellable, for the making thereof, to go or travel from his, her, or their usual place, or respective places of abode.

12. That it shall be lawful for any person adopting or employing the form set forth in the Schedule to this act to add or append any other clause or provision whatsoever to such form, or to alter or limit the effect of any provision herein contained, so far as relates to the lands, tenements, or hereditaments intended by them to be conveyed or assured: Provided always, that any other clause or provision adding to or altering the said form shall be executed and attested by the parties thereto in manner hereinbefore required.

13. That in the construction and for the purposes of this act, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, or any undivided part or share therein, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

#### THE SCHEDULE TO WHICH THE ACT REFERS. GRANT BY VIRTUE OF STAT. VICT. C.

Column 1. Name of Grantor.	Column 2. Name of Grantee.	Col. 3. Consi- deration.	Column 4. Property con- veyed.
Thomas Smith of Clare Hall, in the County of Middlesex, Esquire. (Thos. Smith).	William Thomp- son of the City of London, Merchant. (W. Thompson).	Two hun- dred and fifty pounds.	All that Piece of Land called Brook Meadow, situate and be- ing in the Pa- rish of St. John the Baptist in the County of Middlesex, and bounded on the North, &c.
Witnesses, Eli Hodges, Timothy White.	Witnesses, John Tower, Henry Dawson.		

QUEEN'S COUNSEL.—The following Gentlemen were made Queen's Counsel, on Tuesday, April 26th:—Mr. Roebuck, Mr. Watson, Mr. Martin, Sir Gregory Lewin, Sergeant Wrangham, and Mr. Talbot.

#### Court of Common Pleas. NEW TRIALS.

Moved in Easter Term, 1843.

Fisher v. Maguay	Morris v. Poole
Tharpe v. Stallwood	Cale v. Greene
Pearson v. Lemaitre	Doe d. Bacon v. Brydges
Wilkinson v. Whalley	May v. Taylor
Pim v. Reid	Courtney v. Taylor
Barker v. Birch	Pritchard v. Hitchcock
Bird v. Bass	Curling v. Mills
Wilson v. Tummon	Stone v. Dunlop
Bedson v. Moore	Stockley v. Way
Grinnell v. Wells	Potts v. Potts
Newton v. Rowe	Holloway v. Hare

#### Court of Exchequer.

SITTINGS—EASTER TERM, 1843.

	Banc.	Nisi Prius.
Monday .. May 1	Special paper	.....
Tuesday ..... 2	Errors	.....
Wednesday.... 3	Special paper	.....
Thursday ..... 4	.....	.....
Friday ..... 5	.....	London 2nd sitting.
Saturday ..... 6	.....	Ditto by adjourn.
Monday ..... 8	.....	Midd. 3rd sitting.
Tuesday ..... 9	.....	.....
Wednesday.... 10	.....	.....
Thursday ..... 11	.....	.....

#### London Gazettes.

TUESDAY, APRIL 25.

#### BANKRUPTS.

WILLIAM CAMPLING, Long Melford, Suffolk, innkeeper, May 9 at 2, and June 9 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hunt, Ipswich; Raimond & Gooday, Gray's-inn.—Fiat dated April 20.

JOSEPH VARTY, St. Paul's Church-yard, London, merchant, May 5 at half-past 11, and June 5 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Van Sandau & Cumming, 27, King-street, Cheapside.—Fiat dated April 18.

ALFRED STOCKEN, Halkin-st., Belgrave-square, coach maker, May 9 and June 7 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Van Sandau & Cumming, 27, King-street, Cheapside.—Fiat dated April 24.

WILLIAM HILL, Newcastle-upon-Tyne, wine and spirit merchant, and publican, May 12 at 11, and June 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. T. and W. Chater, Newcastle-upon-Tyne; Bell & Co., Bow Church-yard, London.—Fiat dated April 18.

JOHN DEAKIN, Dawley-bank, Dawley, Shropshire, grocer, May 3 and June 3 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Robinson, and Garbett, Wellington; Slaney, Birmingham.—Fiat dated April 20.

HENRY CONN, Truro, and Gwennap, near Truro, Cornwall, arsenic manufacturer, May 8 at 12, and June 1 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel, Sol. Browns, 3, Hatton-court, Threadneedle-street.—Fiat dated March 31.

EDWARD BECK, Tiverton, Devonshire, cabinet maker, May 8 at 12, and June 1 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Wreford, Exeter; Sole, Aldermanbury, London.—Fiat dated April 10.

#### MEETINGS.

Gardner Boggs, Wm. Taylor, and Wm. Shand, jun., Great Winchester-street, London, merchants, May 5 at 2, Court of Bankruptcy, London, pr. d.—John Williamson and Thomas Rishworth, jun., Keighley, Yorkshire, worsted spinners, May 9 at 1, District Court of Bankruptcy, Leeds, pr. d.—James Robertson, Liverpool, merchant, May 8 at 11, District Court of Bankruptcy, Liverpool, pr. d.—James Harrington and W. Pattinson, Woodbank, St. Cuthbert, Cumberland, calico printers, May 5 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—Wm. Gorton, St. Peter's-chambers, Cornhill, London, merchant, May 5 at 1, Court of Bank-

ruptcy, London, last ex.—*James Barnes*, Jermyn-street, St. James's, lodging-house keeper, May 5 at 11, Court of Bankruptcy, London, last ex.—*John Crallan*, Sunderland, Durham, timber merchant, May 4 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Francis Fenton*, Little Peter-street, Westminster, grocer, May 19 at 11, Court of Bankruptcy, London, and ac.—*William Russell*, Kingston-upon-Thames, Surrey, innkeeper, May 18 at 11, Court of Bankruptcy, London, and ac.—*John Harrison Curtis*, Soho-square, bookseller, May 18 at half-past 11, Court of Bankruptcy, London, and ac.—*M. H. L. G. Coinaghi*, Cockspur-street, printseller, May 19 at half-past 1, Court of Bankruptcy, London, and ac.; May 27 at half-past 2, div.—*Arthur Matthews*, Robertsbridge, Salehurst, Sussex, apothecary, May 17 at 12, Court of Bankruptcy, London, and ac.—*Wm. I. Welsh*, Great Queen-st., Lincoln's-inn-fields, Middlesex, and Wells, Somersetshire, attorney, May 17 at 11, Court of Bankruptcy, London, and ac.—*Fred. Rose*, Watton, Hertfordshire, innkeeper, May 17 at 11, Court of Bankruptcy, London, and ac.—*George Reach*, Bardwell, Suffolk, miller, May 17 at 1, Court of Bankruptcy, London, and ac. and div.—*James Painter Davis*, Bromley, Kent, innkeeper, May 18 at 11, Court of Bankruptcy, London, and ac.—*Margaret Oxberrow*, Stockport, Cheshire, pawnbroker, May 18 at 11, Court of Bankruptcy, London, and ac.—*W. Battley*, Sunderland near the Sea, Durham, merchant tailor, May 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 17 at 12, div.—*James Trenholm*, Darlington, Durham, common brewer, May 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 17 at 11, fin. div.—*John Whiteside*, Whitehaven, Cumberland, merchant, May 18 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 19 at 12, div.—*W. Gibb*, Alnwick, Northumberland, carrier, May 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; May 19 at 1, div.—*Thomas Oullett and Joseph Smith*, Ossett, near Wakefield, Yorkshire, dealers and chapmen, May 24 at 11, District Court of Bankruptcy, Leeds, and ac.; May 26 at 11, div.—*Thos. Manley*, jun., Albion-mills, Atherton, Lancashire, patent nail manufacturer, May 17 at 12, District Court of Bankruptcy, Manchester, and ac.; May 23 at 12, div.—*Mary Manwaring*, Gornal, Sedgley, Staffordshire, grocer, May 18 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.; May 20 at half-past 11, div.—*Martin Stone*, Lane-end, Staffordshire, draper, May 18 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.—*Robt. Steane and Richd. Steane*, Coventry, ribbon manufacturers, May 19 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Robt. N. Munton*, jun., Fletland-mills, Greatford, Lincolnshire, miller, May 23 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Gardner Bagg*, *Wm. Taylor*, and *Wm. Shand*, jun., Great Winchester-st., London, merchants, May 18 at 12, Court of Bankruptcy, London, div.—*James S. Eiffe*, Lombard-st., and South-crescent, Bedford-square, chronometer maker, May 16 at 12, Court of Bankruptcy, London, div.—*Jas. Jolley*, St. Alban's-place, Haymarket, and Pelham-road, Brompton, builder, May 17 at 11, Court of Bankruptcy, London, div.—*Thomas R. Palmer*, Cecil-street, Strand, wine-merchant, May 17 at half-past 12, Court of Bankruptcy, London, div.—*James Barrat*, Great Pulteney-street, Golden-square, builder, May 17 at 11, Court of Bankruptcy, London, div.—*Jas. Gale*, sen., and *Jas. Gale*, jun., Love-lane, Shadwell, rope makers, May 17 at 12, Court of Bankruptcy, London, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Wm. Mayhew*, Crutched-friars, London, and De Crespigny-place, Camberwell, Surrey, wine merchant, May 16 at half-past 12, Court of Bankruptcy, London.—*A. Lum*, Fore-street, London, chemist, May 16 at 12, Court of Bankruptcy, London.—*S. Burrell*, St. Ives, Huntingdon, woollen-draper, May 19 at 12, Court of Bankruptcy, London.—*Edwd. Austen*, Walmer, Kent, grocer, May 19 at half-past 11, Court of Bankruptcy, London.—*G. Pile* and *W. Jas. B. Staunton*, Salvador-house, Babopsgate-st. Without, wine merchants, May 19 at 1, Court of Bankruptcy, London.—*John Archer*, Upper Thames-st., London, iron merchant, May 16 at 12, Court of Bankruptcy, London.—*W. Christie*, New North-street, Red Lion-square, bookbinder, May 16 at 11, Court of Bankruptcy, London.—*J. P. Sterling*, Blakeney, Norfolk, coal merchant, May 19 at 2,

Court of Bankruptcy, London.—*Chas. Savin*, Berners-street, Middlesex-hospital, artificial flower manufacturer, May 19 at 2, Court of Bankruptcy, London.—*Jas. Wright*, Hornsforth, Woodside, Guiseley, Yorkshire, corn miller, May 25 at 11, District Court of Bankruptcy, Leeds.—*Eliz. White and E. Leith*, Worksop, Nottingham, machine and agricultural implement makers, May 19 at 1, District Court of Bankruptcy, Leeds.—*Wm. Thompson*, Lytchett Minster, Dorsetshire, merchant, June 21 at 12, District Court of Bankruptcy, Exeter.—*R. M'Gregor*, Chester, grocer, May 17 at 11, District Court of Bankruptcy, Liverpool.—*David Robertson*, Liverpool, merchant, June 1 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Seddon*, St. Helens, Lancashire, miller, May 29 at 12, District Court of Bankruptcy, Liverpool.—*Thos. B. Walden*, Liverpool, linen-draper, May 23 at 12, District Court of Bankruptcy, Liverpool.—*John H. Jones*, Manchester, spirit merchant, May 18 at 12, District Court of Bankruptcy, Manchester.—*John Clapham*, Leeds, licensed victualler, May 17 at 11, District Court of Bankruptcy, Leeds.—*Abraham Longstaff*, Roughton, Lindsey, Lincolnshire, auctioneer, May 18 at 11, District Court of Bankruptcy, Leeds.—*Robt. N. Munton*, jun., Fletland-mills, Greatford, Lincolnshire, miller, May 23 at 11, District Court of Bankruptcy, Birmingham.—*Martin Stone*, Lane-end, Staffordshire, draper, May 18 at 12, District Court of Bankruptcy, Birmingham.—*Edward Rawlinson*, Lancaster, gentleman, May 29 at 11, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 16.

*Geo. East* and *Henry Bulgin*, Regent-street, booksellers.—*John Newton*, Macclesfield, Cheshire, silk throwsters.—*John Batstone*, Tooley-street, Southwark, Surrey, builder.—*James Taylor*, Leek, Staffordshire, linen-draper.—*Charles Evans*, Whitechapel-road, potato dealer.—*Wm. Welch*, Birmingham, victualler.—*John Beck Gibson*, Northampton, linen-draper.—*Jos. Hextall*, Regent-street, laceman.—*John Warrillow*, Birmingham, stationer.—*Jos. Drew*, jun., Weymouth and Melcombe Regis, Dorsetshire, grocer.—*John Ray*, Leeds, porter merchant.

#### PARTNERSHIP DISSOLVED.

*Wm. Sharp* and *John Sharp*, Lancaster, solicitors, attorneys, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*Jas. Carmichael*, jun., Dundee, engineer.—*James Ewart & Co.*, Glasgow, West India merchants.—*Jas. Watt*, Hazledean, near Stonehouse, Lanark, farmer.

#### DECLARATIONS OF INSOLVENCY.

*Alice Owen*, Tideswell, Derbyshire, shopkeeper.  
*Thomas Walker*, Ardwick, Manchester, stone mason.  
*James Northcliffe*, Brighouse, Halifax, dyer.  
*Miles J. M. Fawcett*, Sheffield, Yorkshire, licensed victualler.  
*Charles Hampshire*, Dewsbury, Yorkshire, innkeeper.  
*John Sutcliffe*, Staley-bridge, Duckenfield, Cheshire, hatter.  
*George Wiltshire*, Ashton-common, Semington, Wiltshire, cattle dealer.  
*William Law*, Batley, Yorkshire, weaver.  
*James Wass*, Leeds, out of business.  
*William Cocker*, St. John, Micklegate, Yorkshire, dyer.  
*Charles Thompson*, Dewsbury, Yorkshire, clothier.  
*James Lamb*, Bishopwearmouth, Durham, plumber.  
*John Lockwood*, Leeds, out of business.  
*Alfred Spark*, King-st., Holborn, St. George's, Bloomsbury, boot maker.  
*Edward Cumberland Waller*, Leicester, coach builder.  
*James Wootton*, Leicester, builder.  
*James Barclay*, Farm-terrace, Clapham, Surrey, mercantile clerk.

*John Lowe*, Bridport-pl., New North-road, Hoxton, engraver.  
*Thos. Alex. Cooling*, Helmet-court, Strand, town traveller.  
*Chas. H. Welch*, Ashborne, Derbyshire, attorney at law.  
*Timothy Bradley*, Upperthong, Almondbury, Yorkshire, wool sorter.  
*Charles Cockayne*, Manchester, butcher.  
*George Haines*, Great Dover-street, St. Mary, Newington, Surrey, tailor.  
*Benjamin Moore*, Hamilton-row, King's-cross, St. James, Clerkenwell, grocer.  
*Thomas Alcock*, Cobridge, Burslem, Staffordshire, builder.  
*Richard Jeeves*, West Ham, Essex, dealer in horses.  
*Thos. Smith*, Tyburn, Aston, Warwickshire, out of business.

## INSOLVENT DEBTORS.

Saturday, April 22.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Rich. B. Bradley*, Bishop's Lydeard, Somersetshire, clerk, No. 60,861 C.; *Rob. Phelps* and *Sam. S. Brooks*, assignees.—*Wm. Bateman*, Dings, Bristol, baker, No. 62,364 C.; *Jas. Baker* and *Wm. Hen. Woodhall*, assignees.—*Thos. Millichip*, Kidderminster, Worcestershire, police officer, No. 61,983 C.; *Jos. Moule*, assignee.—*Joseph W. Cummins*, Clifton, Bristol, chimney sweeper, No. 61,288 C.; *Wm. Maceira*, assignee.—*James Griffiths*, Star Brewery, Islington-green, Islington, brewer's servant, No. 54,769 T.; *Thos. Jones*, assignee.—*L. H. Green*, Bridport-harbour, Bridport, Dorsetshire, surveyor, No. 62,503 C.; *John Millard* and *Rich. Buller*, assignees.—*Wm. Clarke*, Beaufort House, Clifton, Bristol, solicitor, No. 61,312 C.; *Fred. Crofton*, assignee.—*Joseph Beng. Whittle*, Acocals-green, near Birmingham, Warwickshire, tailor, No. 60,600 C.; *Christ. Herbert*, assignee.—*Thos. L. West*, Bristol, provision dealer, No. 62,357 C.; *Hen. Oatway* and *Robt. Long*, assignees.—*John James*, Rownham-ferry, Ashton side, Bristol, licensed victualler, No. 61,970 C.; *Jas. Bullock* and *Hen. Williams*, assignees.—*The Rev. Hugh Owen*, Llangollen, Denbighshire, clerk, No. 61,691 C.; *Henry Parry*, assignee.—*Jas. Rushton*, Nottingham, ironmonger, No. 62,404 C.; *Wm. Hoole*, assignee.—*Sam. Lockett*, Sutton, near Macclesfield, Cheshire, publican, No. 61,725 C.; *Wm. Jenson*, assignee.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, May 16 at 9.

*John Newcombe*, jun., Collect-place, Commercial-rd. East, master mariner.—*Jas. Lattie*, Bermondsey-street, Black Swan Gateway, Bermondsey, carrier.—*Jas. Phillips*, Nursery-row, Brandon-street, Lock's-fields, Walworth, Surrey, out of employ.—*Thos. Bullard*, John-street, New-road, livery-stable keeper.—*Richard B. Hardy*, Lower Salisbury-place, Lock's-fields, out of business.—*Jonah Pipe*, Queen-square, Westminster, bricklayer.—*Jos. Taylor*, Old Fish-street, Doctors'-commons, coffee and dining-room keeper.—*Thos. Edge*, sen., Bloomsbury-place, Bloomsbury-sq., out of business.—*Rigby B. Rigby*, Bridge-road, Westminster, out of business.—*Rich. K. Kenrick*, Esq., Dorset-place, Dorset-square.

May 18, at the same hour and place.

*Wm. Potts*, Blackburn-mews, King-street, Grosvenor-sq., coachman.—*John Peynter*, Little Ormond-yard, Queen-sq., Bloomsbury, hackneyman.

## INSOLVENT DEBTOR'S DIVIDEND.

*Benj. Phillips*, Bryn, Llandewey Velfrey, Pembrokeshire, farmer, *Rees's*, Haverfordwest: 2s. 6d. in the pound.

## FRIDAY, APRIL 23.

## BANKRUPTCY.

**EDMUND COLLINGS**, Southampton, perfumer and toyman, May 10 at 12, and June 9 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Neal, Tokenhouse-yard.—Fiat dated April 24.

**JOHN REYNOLDS**, London-road, Surrey, draper, May 5 at half-past 10, and June 9 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sole & Sola, Alderbury.—Fiat dated April 25.

**WILLIAM GOFTON**, Gilbert-street, Oxford-street, and Farringdon-street, pawnbroker and general salesman, May 5 and June 9 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Harrison & Dobree, 22, Hart-street, Bloomsbury.—Fiat dated April 24.

**WILLIAM DUTTON TOWNSEND**, Little Russell-street, Covent-garden, pawnbroker, May 9 at half-past 1, and June 8 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Asprey, Farnival's-inn.—Fiat dated April 25.

**BENJAMIN CRUSSELL**, Croydon, Surrey, glass dealer, May 8 at 11, and June 9 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Russell & Co., Southwark.—Fiat dated April 20.

**GEORGE HAMMOND**, sen., Havant, Southampton, common brewer, May 8 at 1, and June 9 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Staniland & Long, Beauvois-street.—Fiat dated April 13.

**NATHANIEL BROMLEY**, Little Bentley, Essex, maltster and brewer, May 16 at half-past 1, and June 10 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Mawe, 4, Bridge-st., Blackfriars.—Fiat dated April 25.

**HENRY PEARSON**, York, attorney at law and common brewer, May 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Hodgson, York; Bond, Leeds; Brooke, Featherstone-buildings.—Fiat dated April 21.

**NICHOLAS TUIITE**, Liverpool, wholesale poultryer and merchant, May 13 at 12, and June 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Thompson, Liverpool; Cuvelje & Co., Southampton-buildings.—Fiat dated April 25.

**WILLIAM CARTER**, Boraston, Burford, Shropshire, cattle salesman, May 8 and June 8 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Price & Edwards, Tenbury, Worcestershire; Cullis, Birmingham.—Fiat dated April 11.

**JOHN FLETCHER**, Evesham, Worcestershire, plumber and glazier, May 10 and June 2 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Colmore & Beale, Birmingham.—Fiat dated March 23.

**JESSE PRIME**, Finney-green, Keele, Staffordshire, maltster and commission agent, May 10 and June 16 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Jones, Newcastle-under-Lyme.—Fiat dated April 22.

**WILLIAM MOSES**, Ripon, Yorkshire, innkeeper, May 9 at 1, and May 22 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sol. Blackburn, Leeds.—Fiat dated April 18.

**WILLIAM HUSSEY**, Nether Knutsford, Cheshire, bread baker and bread seller, May 16 at half-past 12, and June 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. J. & T. Roscoe, Knutsford; Cole, 4, Adelphi-terrace, Strand.—Fiat dated April 22.

**MICHAEL JACKSON**, East Thickley Steam-mill, St. Andrew Auckland Durham, miller, May 22 and June 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Trotter, Bishop Auckland; Griffith, 6, Raymond-buildings.—Fiat dated April 20.

**JOHN WHITEHOUSE SHOWELL**, Birmingham, bookseller and printer, May 6 at 11, and June 10 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bitteston; Sol. James, Birmingham.—Fiat dated April 26.

## MEETINGS.

*Julius E. Beerbohm* and *Wm. Edm. Slaughter*, Fenchurch-street, merchants, May 9 at 1, Court of Bankruptcy, London, pr. d.—*Hen. Baker*, Mark-lane, merchant, May 8 at 1, Court of Bankruptcy, London, pr. d.—*Hen. Hughes* and *William Hunter*, St. Leonards on Sea, Sussex, builders, May 9 at 1, Court of Bankruptcy, London, last ex.—*Edwin Thompson*, East Grinstead, Sussex, corn dealer, May 10 at 11, Court of Bankruptcy, London, last ex.—*Arthur Brideson*, Dublin, provision merchant, May 12 at half-past 10, Court of Bankruptcy, London, last ex.—*Thos. Finocelli*, Whippsnade, Bedfordshire, cattle dealer, May 3 at 12, Court of Bankruptcy, London, last ex.—*John Davies* and *Hen. Edwards*, Westminster-road, Lambeth, linen drapers, May 24 at 1, Court of Bankruptcy, London, last ex. and aud. ac.—*Dodson Blake*, Norwich, mohair manufacturer, May 17 at 1, Court of Bankruptcy, London, last ex.—*Thos. M. Whitely*, Liverpool, hatter, May 9 at 12, District Court of Bankruptcy, Liverpool, ch. ass.—*Wm. Robinson*, Liverpool, dealer in cut glass, May 12 at 11, District Court of Bankruptcy, Liverpool, last ex.—*Geo. Chadwick*, Heywood, Lancashire, publican, May 26 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thomas Cartwright*, Heaton Norris, Lancashire, banker, May 11 at 12, District Court of Bankruptcy, Manchester, last ex.—*H. Yeatman*, Bear-lane, Blackfriars-road, Surrey, victualler, May 19 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*Henry Cooley* and *James Thomson*, Hastings, Sussex, tea dealers, May 22 at 12, Court of Bankruptcy, London, aud. ac.—*James Metcalfe* and *Thomas Metcalfe*, Cambridge, upholsterers, May 22 at half-past 10, Court of Bankruptcy, London, aud. ac.—*James Stubbs*, Worthing, and Brighton, Sussex, coach maker, May 23 at 11, Court of Bankruptcy, London, aud. ac.—*Ling Robinson*, Ballingdon, Essex, millwright, May 24 at 2, Court of Bankruptcy, London, aud. ac.—*John Hamilton*, Broadway, Westminster, wholesale ironmonger, May 16 at half-past 12, Court of Bankruptcy, London, aud. ac.; May 27 at half-past 11, div.—*A. S. Graham* and *G. S.*

*Streater*, Oldham, Lancashire, contractors for public works, May 23 at 12, District Court of Bankruptcy, Manchester, and ac. and div.—*D. Thomas*, Manchester, merchant, May 24 at 12, District Court of Bankruptcy, Manchester, and ac.—*Edw. Butler*, Carrington, Basford, Nottinghamshire, iron merchant, May 23 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Elam*, Huddersfield, Yorkshire, livery-stable keeper, May 30 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Munton*, Fletland-mills, Greatford, Lincolnshire, miller, May 23 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.—*Alexander Yeatman and Aubrey Lums*, Fore-street, London, wholesale druggists, May 23 at half-past 11, Court of Bankruptcy, London, div.—*Joshua Williamson*, Nicholas-lane, Lombard-street, London, merchant, May 26 at half-past 12, Court of Bankruptcy, London, fin. div.—*A. D. Bratoraki*, High-street, Wapping, dealer in anchors, May 23 at half-past 2, Court of Bankruptcy, London, div.—*Thomas Quaise*, *Thos. J. Tyrrell*, and *James Quaise*, Fulham, brewers, May 23 at 10, Court of Bankruptcy, London, div.—*J. Smith*, Hertford, wine merchant, May 23 at 3, Court of Bankruptcy, London, div.—*Henry Rogers*, Thetford, Suffolk, money scrivener, May 20 at half-past 12, Court of Bankruptcy, London, div.—*David Thomas*, Manchester, merchant, May 25 at 12, District Court of Bankruptcy, Manchester, div.—*Dan. Holt*, Manchester, broker, May 26 at 12, District Court of Bankruptcy, Manchester, div.—*John Jones*, Liverpool, cordwainer, May 19 at 12, District Court of Bankruptcy, Liverpool, div.—*Robt. N. Munton*, jun., Fletland-mills, Greatford, Lincolnshire, miller, May 24 at 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Wm. J. Chetwynd*, Elizabeth-place, Westminster-road, picture dealer, May 10 at 11, Court of Bankruptcy, London.—*G. B. Timbrell*, Philip-lane, Addle-street, London, and Milton-mills, Stourport, Worcestershire, worsted spinner, May 23 at 2, Court of Bankruptcy, London.—*Wm. Thompson*, Rawdon, Yorkshire, cloth manufacturer, May 22 at 11, District Court of Bankruptcy, Leeds.—*Saml. Middleham*, Clifton, Dewsbury, Yorkshire, wine merchant, May 25 at 11, District Court of Bankruptcy, Leeds.—*Thomas Cox*, Gloucester, plumber, May 23 at 11, District Court of Bankruptcy, Bristol.—*Wm. Jones*, Park, near Cardiff, Glamorganshire, ship builder, May 23 at 11, District Court of Bankruptcy, Bristol.—*Charles Parkins*, Leeds, worsted spinner, May 24 at 11, District Court of Bankruptcy, Leeds.—*George Robson*, jun., Oswaldwick, Yorkshire, cattle dealer, May 23 at 11, District Court of Bankruptcy, Leeds.—*Edward Butler*, Carrington, Basford, Nottinghamshire, iron merchant, May 23 at 11, District Court of Bankruptcy, Leeds.—*Robert T. Cartwright*, Louth, Lincolnshire, woollen draper, May 22 at 11, District Court of Bankruptcy, Leeds.—*Wm. Liddle*, Leeds, Yorkshire, flax spinner, May 26 at 11, District Court of Bankruptcy, Leeds.—*Henry Budd*, Birmingham, cigar manufacturer, May 23 at 1, District Court of Bankruptcy, Birmingham.—*Thomas Downing*, Bransford, Worcestershire, miller, May 27 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. East*, Spalding, Lincolnshire, builder, May 23 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 19.

*John Adams*, George-street, Spitalfields, furniture dealer.—*Jerk Towns*, George-street, Spitalfields, chocolate manufacturer.—*Geo. Chalk*, Castleman Barnes, Surrey, and Broadway, Hammersmith, builder.—*Henry Cooley and James Thomson*, Hastings, Sussex, tea-dealers.—*Thos. Nicholl*, jun., Redruth, Cornwall, grocer.—*R. Thornton*, jun., Beccles, Suffolk, beer brewer.—*Jer. Gillman*, Stewkey, Buckinghamshire, grocer.—*David Bidmesd*, Broad-st., Cheapside, warehouseman.—*H. J. Collett*, London, and Manchester, warehouseman.—*James Hayward* and *Richd. H. Moore*, Paternoster-row, London, booksellers.—*Jos. Pickering*, Bedford, upholsterer.—*Charles Webb*, Lichfield, maltster.—*Mary Ann Cross* and *Elizabeth Cross*, Kingston-upon-Hull, spirit merchants.—*Jas. Gordon*, Liverpool, merchant.—*Wm. Bask*, Bilston, Staffordshire, brandy merchant.—*Thos. Robson*, Liverpool, soap manufacturer.—*Dan. Button*, Albion-place, Bettle-bridge, Islington, pawnbroker.—*Alfred Birks*, Manchester, linen-draper.—*Jas. Gale*, sen., and *James Gale*, jun., Love-lane, Shadwell, rope

makers.—*John Midlane*, jun., Brading, Isle of Wight, ironmonger.—*Wm. Cock*, Bungay, Suffolk, grocer.—*J. Johnson*, Coventry, ribbon manufacturer.—*Chas. William Walthew*, Poultry, London, chemist.—*Robt. Jones*, Shrewsbury, Shropshire, grocer.

## FIAT ANNULLED.

*Charles Joad Marriott*, Leamington-priors, Warwickshire, grocer.

## PARTNERSHIP DISSOLVED.

*Henry Byrom* and *Wm. Dutton*, Leamington-priors, Warwickshire, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Hugh M'Indoe*, Bonhill, Dumbarton, quarrier.—*Jas. Weir*, Cambusnethan, Lanarkshire, cider manufacturer.—*J. Strachan*, Edinburgh, merchant.—*R. B. Walker & Co.*, Glasgow, hosiers.—*J. Soultar*, Peterhead, timber merchant.—*Andrew Alexander*, Dunfermline, ironmonger.

## DECLARATIONS OF INSOLVENCY.

*John E. Webster*, Tattenhall, Cheshire, out of business.—*Sam. Platts*, Newbold, Chesterfield, Derbyshire, licensed victualler.

*Dorothy Sturman*, Oxford, Berlin and fancy warehouseman.

*Thos. Wm. Iago*, Danvers-street, Chelsea, out of business.

*Antoine Claude Gabriel Jobert*, Leeds, teacher of languages.

*William Osenham*, Warwick, cabinet-maker.

*Alexander Watt*, Mary-st., Stangate, Lambeth, Surrey, out of business.

*Wm. Parrott*, Woodstock-st., St. Marylebone, gentleman's servant.

*Isaac Webb Thornton*, Brookmoor and Brierly-hill, Kingswinford, Staffordshire, blacksmith.

*M. Robearts*, Leonard-st., Shoreditch, coachsmith.

*Robert Thomas Lacey*, Gloucester-street, Cambridge-heath, victualler.

*Charles W. Cooper*, Sheffield, hair-dresser.

*Wm. Ward*, Masborough, Rotherham, Yorkshire, constable.

*Thomas Harman Ayckbown*, Upper North-place, Gray's-inn-road, barrister at law.

*John Edward Bailey*, Aston, Warwickshire, gun finisher.

*John Edwards*, Much Woolton, Lancashire, grocer.

*Samuel Cory*, Northampton, tailor.

*John Robins Vivian*, Oxendon-street, St. James, Middlesex, commercial agent.

*Arthur Blyth*, Gloucester-place, Camberwell New-road, Camberwell, apothecary.

*Richard Cotgreave*, Whitchurch, Shropshire, saddler.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 19 at 9.

*Daniel Cooper*, Drinkstone, Suffolk, farmer.—*Chas. Walford*, sen., Hooper-st., Gloucester-street, Westminster-road, Surrey, chairmaker.—*Jas. Wykes*, Spanish-place, Manchester-square, artist.—*Geo. Bailey*, Russell-place, Old Kent-road, Surrey, silk broker.—*Wm. Norman*, Henrietta-street, Manchester-square, out of business.—*Wm. Redman*, Well-street, Mile-end New-town, corn dealer.—*Geo. Rush*, Norfolk-street, Mile-end, stonemason.—*Wm. Mandy*, Passmore-st., Chelsea, plumber.—*Jos. Bulcraig*, King-st., Commercial-road East, engineer.—*Geo. Beasley*, Willow-street, Rochester-row, Westminster, smith.

## Adjourned.

*Thomas Wm. T. Prescott*, Ebury-street, Pimlico, out of business.

May 22, at the same hour and place.

*Timothy Home*, Ebury-square, Pimlico, carpenter.—*John Wright*, James-street, Oxford-street, out of business.—*James Gardiner*, Cheltenham, out of business.—*Geo. Chas. Ramm*, Leonard-square, Curtain-road, Shoreditch, haberdasher.—*J. Jos. Quin*, Dean-street, Soho, tailor.

## INSOLVENT DEBTORS' DIVIDENDS.

*J. West*, jun., Southall, Middlesex, baker, Jupp's, Brentford: 2s. 2d. in the pound.—*Thomas Thomas*, Dudley, Worcestershire, victualler, April 29, Steedman's, Dudley: 2s. 8d. in the pound.

MASTER IN CHANCERY.—The Lord Chancellor has appointed Thomas Llewellyn, of Tunstall, Staffordshire, Gent., to be a Master Extraordinary in the High Court of Chancery.



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30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
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60	4 8 11	5 17 4	7 5 9	8 18 2	10 2 7

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# The Jurist

No. 330.

LONDON, MAY 6, 1843.

PRICE 1s.

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LONDON, MAY 6, 1843.

LORD CAMPBELL'S Bill for shortening Conveyances has disappeared, and for the present perhaps the subject of reform in that department of the law is withdrawn from legislative interference; but the idea has been embraced by the public mind, and is gradually, though in the face of much opposition, gaining ground even among lawyers, that the length to which deeds are carried under the pressure of covenants and common forms, is becoming an abomination in the sight of the people, and demands inquiry and emendation. We would not be understood to go the whole length with those who the most loudly, and not always perhaps under the influence of the greatest amount of practical acquaintance with the subject, clamour against the length of conveyances, as if there were no long compositions in the world except conveyances, and as if the subject-matter of a conveyance were always and necessarily one capable of being treated in the laconic style. The initiated know, and for the uninitiated, if our pages have the fortune to extend to the notice of any such, we will here state, that there is rarely such a thing as a simple conveyance of real estate from A. to B. in fee. Large properties are the subject of incessant settlement and re-settlement, mortgages, charges, terms of years, and all those various modifications, which import complication into deeds, and which, unless the whole system of conveyancing is abolished, and some new one of magical power and simplicity invented, must and will be adopted to render them available for the permanent support or temporary convenience of the owners and their connexions. Small properties are not, it is true, made so much the subject of family settlement; we do not find on abstracts of title of small estates so many terms for raising portions, or other modifications regularly separating the legal and equitable estates, and keeping alive sections of the former

to support particular incumbrances; but, on the other hand, we find small estates almost invariably mortgaged, charged with annuities, contracted to be sold, and passing from hand to hand over and over again under irregular transfers creating mere equities, so that they present frequently even more intricate modifications of estates than large properties, importing almost as much complication into deeds of transfer, and requiring even more care and accuracy in the mode of preparing such deeds, if it be intended to convey with any regularity. These considerations constitute one inevitable cause of considerable length; for notwithstanding all the supposed astuteness of lawyers, still they are but men, and have but the English language as their tools to work withal; and the most cunning lawyers cannot make one word have the effect of two.

But there are, undoubtedly, other sources of length which might be withdrawn, though it is ridiculous to expect that practising lawyers can, unaided by higher authority, so materially change the system of conveyancing as to produce that effect. We allude to the use of the common forms, and the various covenants, provisoes, stipulations, &c.; and to the system of remuneration founded on length of writings. The origin of the common forms is easily conceived, and their gradual formation into their present very accurate, though somewhat verbose condition, might also be without much difficulty traced, if it were at all useful to pursue the inquiry. There is no doubt that every addition to the phraseology of the common forms of conveyancing has been founded on some actual decision, or some anticipated doubt, on the meaning of the antecedent formulae; and thus have the common forms grown till they have assumed the shape which they have now had impressed upon them, with little variation, for more than a century. That they are long cannot be denied; and now that having been repeatedly brought before the notice of the courts, they have frequently elicited judicial

observations, tending to shew that certain long phrases are found, in effect, not to go further than certain specified operative words contained within them,—no one can venture to say that it would be impossible to shorten the common forms without departing from clearness and accuracy. But it is equally impossible to say, that, while Judges will not boldly and positively lay down the particular effect of some operative words, and while parliament invariably ridicules the idea of interfering, practising lawyers can be expected to depart from the use of those technical forms of expression which have received a definite and settled construction. The duty of the conveyancing draftsman is to express in words the nature and extent of the entire or partial transfer which his client wishes to have effected; and if he finds, that, by a succession of judicial decisions, or a long course of unchallenged practice, certain words are received, without question, as the exponents of his ideas, it would be the merest folly and waste of intellectual labour imaginable for him to endeavour to compose other formulæ, in the great uncertainty whether they would convey to other minds the precise ideas which they express in his\*. Some gradual alterations, it is true, may be, and indeed have been, made in the forms, and they are undoubtedly shorter than they were some fifty years ago, but any great alteration in that particular, if practicable at all, cannot be rationally expected from conveyancers. They must come in some form from the Legislature.

The same observation applies to the third cause of the length of conveyances, viz. the present system of remuneration. On this subject we have more than once expressed a strong opinion, coinciding with that which appears to be rapidly gaining ground in the public mind, that one great inducement to the abandonment of needless prolixity in legal instruments will be the adoption of a mode of remuneration which shall not make length of writings the measure of professional gain. We need not say that we are not of those who imagine, that lawyers are always struggling for prolixity for the express purpose of swelling fees. Those who attribute to the profession at large such habits, must have derived their knowledge of it from intercourse only with the lowest of its members; but, on the other hand, all must admit, that the fact of being remunerated in proportion to the length of drafts places the stimulus of self-interest on the wrong side; and if it does not encourage the intentional creation of prolixity, at least tends to make even honourable men careless about labouring to be brief; but still, reform on this point cannot, for many reasons, be expected to come from the profession itself.

If the profession of the law were one of modern growth, untrammelled by established form and etiquette, unshackled by legislative and judicial interference, free to make its own rules, to settle the whole scheme of its practice, and to classify its own members, then, indeed, it might easily adopt a more perfect mode of remuneration than that which is established.

\* The inconvenience and sometimes danger to titles from the attempt to depart, without very strong reasons, from the usual forms of conveyancing, and to adopt forms not expressly sanctioned by, either authority or practice, are much more than a counterbalance for any brevity that can be gained by such alteration.

But such is not the state of the legal profession. It is not freehanded; it is bound down in one branch, not only by customs, but by judicial rules of practice, regulating in many particulars what it may do, and what fees it may take for professional work. In the other branch it is bound perhaps even more stringently by the artificial code of etiquette. In both it finds established a complicated system of professional practices, all connected one with the other, so that it is difficult to touch one without touching perhaps the whole. Lastly, it is a body of vast extent, and with comparatively small means of co-operation. So that if the practitioners of one locality were to propose some new regulation, there is scarcely any mode of speedily eliciting the opinions and procuring the sanction of the general body for its adoption. To these difficulties is to be added the very practical one of finding a mode of remuneration which shall on the whole be better and more convenient than that at present in use. The one frequently proposed, and we believe adopted in certain conveyancing transactions in Scotland, of remunerating the draftsman by a per centage on the amount of property conveyed, is upon the face of it the most absurd and unjust in theory that can be well imagined; far more so than remuneration by length. The latter has at least some reference to the quantity of labour performed; but the former makes the remuneration of the practitioner depend not either on the quality or quantity of his labour, but solely on the accident of his having wealthy or poor clients. We have in a former number reviewed the modes adopted in other professions of a learned and liberal character, and pointed out the defects of each, as applied to the labours of a lawyer. It is not for us—it is not we think for any practising lawyer, to volunteer the suggestion of specific modes of escaping from these difficulties, and to invite the application of the epithet of dilettanti law reformers. But of this we feel no doubt that if the Legislature does seriously desire to apply a remedy for the evils of the present system of preparing conveyances, and does seriously invite the co-operation of the profession, there will be no desire on the part of its most eminently qualified members to withhold information and assistance; and no lack of ingenuity and knowledge to assist in framing substantial measures of improvement.

#### OBSERVATIONS ON THE RIGHTS OF A CREDITOR INSURING THE LIFE OF HIS DEBTOR.

The 14 Geo. 3, c. 48, s. 1, enacts, "That no insurance shall be made by any person or persons, bodies politic or corporate, on the life or lives of any person or persons, or any other event or events whatsoever, where the person or persons for whose use, benefit, or on whose account, such policy or policies shall be made, shall have no interest, or by way of gaming or wagering; and that every insurance made contrary to the true intent and meaning hereof, shall be null and void, to all intents and purposes whatsoever."

Sect. 3. "That in all cases where the insured has interest in such life or lives, event or events, no great sum shall be recovered or received from the insurer, more than the amount or value of the interest of the insured in such life or lives, or other event or events."

On the construction of this statute, the well-known case of *Godsall v. Boldero* (9 East, 71) has determined

that, although a creditor may insure the life of his debtor to the extent of his debt, yet the contract with the underwriters is, in its nature, a contract of indemnity; consequently, that, if even after the death of the debtor, his executors pay the creditor his debt, he cannot afterwards recover upon the policy against the underwriters; and that although the debt was paid, not out of the assets of the debtor, but out of money furnished to the executors by third parties.

The ground on which the decision in that case was put, was this—that the interest of the party insured being that of a creditor; depending on the insured life, in respect of the means, and of the probability, of payment which the continuance of the life afforded to such creditors, and the probability of loss which resulted from his death; the event, against which the indemnity was sought by the assurance, was substantially the expected consequence of his death, as affecting the interests of the individuals assured, in the loss of their debt; that the action was therefore founded on a supposed damnification of the plaintiff, (the creditor), occasioned by the dropping of the life insured, existing and continuing to exist at the time of the action brought; and, therefore, that, if before the action brought the damage was prevented by the payment of the debt, the foundation of the action, the supposed damnification, failed.

The authority of *Godsall v. Boldero* has never been questioned; and in a very recent case, (*Humphrey v. Arabin*, 1 Ll. & G. Ca. tem. Plunkett, 322), Lord Plunkett, C., adverting to *Godsall v. Boldero*, expressly recognises its authority, saying, "The proposition therefore, that the satisfaction of the debt discharges the insurance, is now undeniable."

His Lordship, however, decided the case before him upon grounds of argument, which seem to the writer not easily to be reconciled with the arguments on which *Godsall v. Boldero* was decided. In *Humphrey v. Arabin* a judgment creditor had insured the life of his debtor, and had received from the office the amount of the sum insured (which was less than the debt); it was held, that, in a foreclosure suit by a mortgagee, whose security was subject to the judgment, the judgment creditor could not be obliged to set off against the debt due to him on the judgment, the sum received under the insurance, minus the premiums paid by him; the Lord Chancellor holding that payment by the office of the sum insured, had no effect in discharging the debtor from payment of his debt. After distinguishing the case before him from a case somewhat similar, (*Ex parte Andrews*, 1 Madd. 573), his Lordship said, "The argument of Lord Ellenborough in the case of *Godsall v. Boldero*, rests merely on the decision of Lord Mansfield in the case of *Hamilton v. Mendes*, (3 Burr. 1219), and both cases go altogether on the contract with the insurers being one of indemnity. Now this grows wholly out of the enactments of the Legislature, and on the contract being one which the law gives effect to; and it is a mistake to say, as it has been argued in this case, that therefore the insurer is in the nature of a surety, for the payment of the debt of the principal debtor."

The protection of the insurer grows merely out of the policy of the law and the particular enactment of the Legislature, but with reference either to the party who gets the insurance, or with reference to the debtor, there is no one circumstance which puts him in the character of a surety for the debt. He has no right to call on the debtor's executors to pay the debt; and it is no concern of his whether the debtor is able to pay or utterly insolvent; it remains then to consider the case as between the judgment creditor and debtor. It is clear, that the creditor has no right to call upon the debtor to make the assurance, or pay any part of the expense of it; or if the insurance company should be-

come insolvent, to repay him any of the premiums he has paid. The debtor, on the other hand, has no right to call on the creditor to make any assurance, or to keep it alive when made; he knows not whether it has been made or not; it is a contract between other persons with whom he has no concern or privity; and I cannot find any principle or authority for holding that he should, by anything growing out of that contract, be discharged from the payment of his just debt, which he has never discharged nor satisfied, nor caused to be discharged or satisfied."

Now, if these reasons are sound, as applied to the case of the creditor being paid by the insurer, it is extremely difficult to see why they would not equally apply to shew that the payment of the debt by the debtor ought not to prejudice the right of the creditor to receive payment from the insurer. The latter is as much a stranger to the contract between the creditor and the debtor, as the debtor is to that between the creditor and the insurer; but, according to *Godsall v. Boldero*, there is on the contrary a species of privity of contract; for if the contract, as between the creditor and the insurance office, is one of indemnity, then the position pressed on the Lord Chancellor in *Humphrey v. Arabin* seems inevitably to follow, that the insurer is in the nature of a surety for the payment of the debt of the principal debtor; for the very idea of the contract being such an indemnity, introduces into it this term, that it is a contract with the office that they shall pay, not in the single event of the death of the debtor, but in the twofold event of his death and his not paying. In what does the latter branch of the contract thus imported into it by *Godsall v. Boldero* differ from the ordinary contract of a surety, who binds himself to pay only if the principal debtor does not? The Lord Chancellor however does not in the case cited allow that the insurer is in the nature of a surety, because there is no privity of contract between the debtor and the insurer, because "the debtor has no right to call on the creditor to make any agreement, nor to keep it alive when made;" because "it is a contract between other persons with whom he has no concern or privity." These are all reasons which seem inconsistent with the consequences of the reasoning in *Godsall v. Boldero*; for they proceed on the ground of treating the contract between the creditor and insurer as a good separate contract, wholly independent of the contract between the creditor and debtor, whereas the decision in *Godsall v. Boldero* treats it, if the writer understands that case correctly, as a contract depending for its validity on the nonfulfilment of the contract of the debtor.

As regards the reasoning in *Godsall v. Boldero*, it is in one respect very unsatisfactory, inasmuch as it clearly mistakes the actual commercial nature of the contract between an insurer and the insured in reference to insurance of a third person's life. If the life insured lasts for the period which is the average and calculated duration of such a life, the insuring party of necessity will have paid, before he can be entitled to receive the sum insured, an amount in premiums and interest on them exceeding the sum insured; for on this principle is the business of an insurance office conducted. If the life falls before its calculated time, he may receive more than he has paid; if it exceeds it, he will receive much less. The nature of the transaction is not therefore a mere contract that the insured shall be kept harmless from damage arising out of a collateral contract; but it is more properly in the nature of a contract for purchase: a contract by the insuring party to purchase a certain future sum of money, payable on an event certain as to its happening, but uncertain as to the period of its happening; and for which he pays a sum uncertain, being more or less than the sum purchased, according to the period of the happening of the contingency. To say that such a transaction is "an indemnity as distinguished from a contract

by way of gaming or wagering" (see the expressions used by the court in *Godsall v. Boldero*, 9 East, 80), is not correct. On the contrary, it is clearly a contract in the nature of a gaming or wagering contract, although it is one which is permitted by the express words of the statute, (sect. 1), provided the party insuring has an interest in the life or event. It must be observed further, that, if the law is, as laid down in *Godsall v. Boldero*, that a creditor not being paid by his debtor can recover against the insurance office, but being paid by him cannot, it follows that it will be in the option of the debtor to keep alive or destroy the liability of the insurer; and as, since the case of *Humphrey v. Arabin*, it is clear that nothing but payment can exonerate the debtor, it will depend merely on his caprice as to the time of his paying, whether the insurance office shall or shall not be exonerated. Such a consequence seems so inconsistent with the general policy of the law, as to throw of itself some doubt on the soundness of the principle that can produce it. On the whole, it is submitted to the learned reader, that the two cases commented upon are substantially contradictory authorities; and that, unless *Humphrey v. Arabin* is to be overruled, it considerably shakes the authority of the earlier case.

C. S. D.

## Imperial Parliament.

### HOUSE OF LORDS.

Friday, April 28.

The second reading of Lord Campbell's Bill for Shortening Conveyances of Landed Estate, was, after a short discussion, in which Lords *Lyndhurst*, *Cottenham*, and *Brougham* took part, negatived; all the learned Lords who spoke on the subject disapproving entirely of the bill.

Monday, May 1.

REGISTRATION OF VOTERS BILL.—Lord *Wharncliffe*, after stating the nature and objects of this bill, moved the second reading.

Lord *Brougham* objected to the retention of the system of annual registration, which, he contended, imposed expense and trouble on the electors without any adequate public advantage. He thought the qualification once proved ought to last at least for the duration of the Parliament for which it was registered. He approved particularly of the clauses providing for control over the decisions of the revising barristers, and thought the appeal was properly given to the Court of Common Pleas. It was objected that the judges ought not to decide on the title to vote; but it must be recollected that they did continually decide in cases of disputed property, on the title to the property which gave the title to vote.

Lord *Denman* agreed with the learned Lord in his observations on the appeal from the decisions of the revising barristers. A court of law had no politics, and was the proper tribunal to decide on points of law. His Lordship objected however to the clauses relating to the personation of voters. That was by the existing law a great offence, and punished accordingly; and he objected to any further parliamentary declaration of its being an offence, the present law being sufficient. He objected also to the lightness of the punishment proposed for it by the bill before the House.

Lord *Campbell* did not rise to oppose the bill. He however objected to annual registration. He objected also to the still large number of revising barristers, and alluded to a plan proposed and carried through the House of Commons some years before to have only ten judges. He objected to the clauses restricting mere trustees from voting, and to the clause for determining the mode in which the seven-mile distance was to be measured. In conclusion, he said he did not oppose the second reading; but if the bill did not come out of committee a greatly improved measure, he should oppose its further progress.

After a few observations from the Lord Chancellor, the bill was read a second time.

### HOUSE OF COMMONS.

Friday, April 28.

A lengthened discussion took place on the Ecclesiastical

Courts Bill, which was, after a division, read a second time. Numbers for the second reading 186; against it 104.

Monday, May 1.

Mr. *Escott* moved for a return of all fees taken or demanded from defendants by clerks of assize and clerks of the peace in England and Wales at the last two assizes and the four sessions of the peace, and at special commissions held within the last or the present year. The honourable member stated several cases, shewing, that considerable fees were taken by those officers from defendants before they were allowed to plead. He thought the House would feel itself justified, not only in calling for the returns asked for, but in expressing a strong opinion on the impropriety of such fees existing. He was unable to say how the practice had grown up, but it had grown up. He had consulted the Attorney-General and Solicitor-General, who both informed him that, in their opinion, such fees were illegal, and ought to be abolished.

After some observations from several honourable members, the motion was agreed to.

## London Gazettes.

TUESDAY, MAY 2.

### BANKRUPTS.

ADAM HOLLOWAY, Basingstoke, and Stratfield Turris, Hampshire, draper, May 9 at 1, and June 9 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Smith, 24, Golden-square.—Fiat dated April 18.

ROBERT GRIFFITHS, Nine-elms, and Belmont-place, Vauxhall, Surrey, coal merchant, May 9 at 12, and June 9 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Stevens & Co., 6, Queen-st., Cheapside.—Fiat dated April 27.

CHARLES BUNYARD, Nelson-place, Old Kent-road, Surrey, grocer, May 12 at 2, and June 14 at 3, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Kempster, Kennington-cross.—Fiat dated April 29.

JOHN NICHOLS and FRANCIS WILLIAM NICHOLS, Blandford Forum and Dorchester, Dorsetshire, carriers, May 10 and June 9 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Brookes, Great James-street, Bedford-row.—Fiat dated April 26.

JOHN CROW, Lillie Arms, North-end, Fulham, licensed victualler, May 9 at 3, and June 2 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Pollock & Co., Great George-street, Westminster.—Fiat dated April 28.

JOHN ALLAN, Kennington Brewery, Dorset-st., Clapham, Surrey, brewer, May 9 at half-past 1, and June 2 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Miller & Carr, Eastcheap.—Fiat dated April 27.

CHARLES MILNS NICHOLSON, New Corn Exchange, Mark-lane, corn dealer, May 9 at half-past 2, and June 2 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Randall, Welbeck-st., Cavendish-sq.—Fiat dated April 28.

WILLIAM HARRINGTON, High-street, Aldgate, linen draper, May 12 at 1, and June 14 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Craig, Braintree, Essex; R. & W. Aldershaw, Tokenhouse-yard.—Fiat dated April 29.

SAMUEL BATEMAN, Birmingham, factor, May 12 at 1, and June 21 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Messrs. Whately, Birmingham.—Fiat dated April 17.

GUSTAVUS WULFF, Liverpool, banker, ship owner, and bill broker, May 15 and June 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Easterby, Preston; Archer, Liverpool; Sharpe, 11, Staple-inn.—Fiat dated April 24.

### MEETINGS.

*Jas. Stubbs*, Worthing and Brighton, Sussex, coach maker, May 23 at 11, Court of Bankruptcy, London, last ex.—*John W. Cullis*, Clun, Shropshire, chemist and druggist, May 11 at half-past 1, District Court of Bankruptcy, Birmingham, last ex.—*Wm. Howarth* and *Wm. Williams*, Manchester, drysalers, May 26 at 1, District Court of Bankruptcy, Manchester, last ex.—*Timothy Duggan*, St. Joseph's Print-works, Cheadle-grove, near Cheadle, Cheshire, calico printer, May 16 at 1, District Court of Bankruptcy, Manchester, last ex.—*John Buxton*, Manchester, builder, May 23 at 1, District

Court of Bankruptcy, Manchester, last ex.—*James Marr*, Workop, Nottinghamshire, tanner, May 31 at 11, District Court of Bankruptcy, Leeds, last ex.—*Jas. Imray*, Old Fish-street-hill, Upper Thames-street, stationer, May 26 at 1, Court of Bankruptcy, London, aud. ac.—*John Beck Gibson*, Northampton, linen draper, May 25 at 12, Court of Bankruptcy, London, aud. ac.—*Edw. Morris*, Royal Repository, Brighton, Sussex, Tunbridge ware manufacturer, May 25 at 1, Court of Bankruptcy, London, aud. ac. and div.—*Peter S. Parlin*, Robert-street and Upper Ebury-street, Chelsea, iron-monger, May 25 at 11, Court of Bankruptcy, London, aud. ac.—*Thos. Pearson*, Liverpool-road, Islington, May 23 at 11, Court of Bankruptcy, London, aud. ac.—*G. F. Cobham* and *William Burt Wright*, Camden-place, Peckham, Surrey, and Gravesend, Kent, May 23 at 2, Court of Bankruptcy, London, aud. ac.—*John Wilshin*, Reading, Berkshire, May 23 at 11, Court of Bankruptcy, London, aud. ac.—*Jas. Whitelaw* and *Thomas Whitelaw*, Lichfield-street, Soho, and Store-street, Bedford-square, carpenters, May 23 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*John F. Buisson*, Brabant-court, Philpot-lane, merchant, May 19 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Alex. Ross* and *J. Ophie*, Argyle-street, Middlesex, army agents, May 20 at half-past 2, Court of Bankruptcy, London, aud. ac.—*John Naylor*, Manchester, wire drawer, June 1 at 1, District Court of Bankruptcy, Manchester, aud. ac.; June 2 at 1, div.—*T. Holglund*, Manchester, woollen-cloth manufacturer, May 24 at 1, District Court of Bankruptcy, Manchester, aud. ac.; May 25 at 1, div.—*Sam. Riley*, Oldham, Lancashire, draper, May 24 at 1, District Court of Bankruptcy, Manchester, aud. ac.; May 25 at 1, div.—*Hugh Greaves*, Manchester, merchant, May 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 1 at 12, div.—*John Ridsdale*, Headingley, Leeds, Yorkshire, stuff merchant, May 24 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 26 at 11, div.—*Thos. Moss*, Eastington, Yorkshire, brick maker, May 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 31 at 11, div.—*Wm. Moss*, Kingston-upon-Hull, woollen draper, May 29 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 31 at 11, div.—*R. Ames*, Margate, linen-draper, May 25 at 12, Court of Bankruptcy, London, div.—*J. Metcalfe* and *T. Metcalfe*, Cambridge, upholsterers, May 25 at half-past 1, Court of Bankruptcy, London, div.—*Jas. Ashley* and *Joshua Jones Ashley*, Regent-st., Westminster, bankers, May 25 at 12, Court of Bankruptcy, London, fin. div.—*Frederick Rose*, Watton, Hertfordshire, innkeeper, May 23 at 12, Court of Bankruptcy, London, div.—*Geo. Morrison*, Nottingham, lace manufacturer, May 13 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*Geo. D. Thomas*, Wem, Shropshire, grocer, May 16 at half-past 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*James Inray*, Old Fish-street-hill, Upper Thames-street, and Minories, chart seller, May 26 at 1, Court of Bankruptcy, London.—*Ed. Messum*, Portsea, Southampton, brewer, May 23 at 12, Court of Bankruptcy, London.—*Jos. Cooke*, New-street, Dorset-square, upholsterer, May 25 at 3, Court of Bankruptcy, London.—*Geo. Gibson*, Ratcliff-highway, upholsterer, May 25 at half-past 2, Court of Bankruptcy, London.—*Jas. Barp*, St. George's-place, Camberwell-road, Surrey, licensed victualler, May 24 at 12, Court of Bankruptcy, London.—*Wm. Streeter*, Brighton, Sussex, licensed victualler, May 24 at 12, Court of Bankruptcy, London.—*Edward Morris*, Royal Repository, Brighton, Sussex, Tunbridge ware manufacturer, May 25 at 1, Court of Bankruptcy, London.—*Thomas Hughes*, Great Coram-street, Brunswick-square, lodging-house keeper, May 25 at 1, Court of Bankruptcy, London.—*J. Dracem*, Lothbury, and Lombard-st., cloth merchant, May 24 at 11, Court of Bankruptcy, London.—*R. Salkeld*, Fontmell Magna, Dorsetshire, clerk, May 25 at 12, Court of Bankruptcy, London.—*Daniel Keri Price* and *Daniel Price*, Pilgrim-street, Ludgate-hill, warehousemen, May 27 at 2, Court of Bankruptcy, London.—*Isabella Novell*, Huddersfield, Yorkshire, currier, May 30 at 11, District Court of Bankruptcy, Leeds.—*Wm. Thompson*, Lytchett Minster, Dorsetshire, merchant, June 1 at 12, District Court of Bankruptcy, Exeter.—*James Lockwood*, Wakefield, Yorkshire, and St. John's, New Brunswick, North America, linen-draper, May 29 at 11, District Court of Bankruptcy, Leeds.—*Abraham Lewis Frank-*

*lin*, Liverpool, bullion merchant, May 24 at 12, District Court of Bankruptcy, Liverpool.—*Francis Carey*, Nottingham, hatter, May 25 at 2, Court of Bankruptcy, London.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 23.*

*George Thompson*, Manchester, solicitor.—*George Her-ring*, Rochdale, Lancashire, iron founder.—*Richard Warren*, Liverpool, druggist.—*John Pinnock Thirkell*, Cranbrook, Kent, farmer.—*Thomas Nicholl*, jun., Redruth, Cornwall, grocer.—*Thos. Barlow*, Manchester, shoe dealer.—*Jonathan B. Morgan*, Southampton-row, Bloomsbury, laceman.—*Chas. Pickelay*, Sheffield, Yorkshire, merchant.—*Francis Boot*, Nottingham, tating and lace manufacturer.—*John Emson*, jun., Sawbridgeworth, Hertfordshire, veterinary surgeon.—*Arthur Matthews*, Robertsbridge, Salehurst, Sussex, apothecary.—*John Sanders*, Manor-place, King's-road, Chelsea, baker.—*Neil Currie*, Regent-street, London, army accoutrement maker.

## SCOTCH SEQUESTRATIONS.

*James Young*, St. Andrews, coal merchant.—*R. McDonald*, Glasgow, lime merchant.—*Umpherston and Kerr*, Dundee, engineers.

## DECLARATIONS OF INSOLVENCY.

*James Ed. Coleman*, Bow, Middlesex, arbitrator.  
*Joseph Gibbins*, Portland-place, North-end, Fulham, clerk to an architect.  
*Thomas Milnes*, Lindley, Huddersfield, Yorkshire, small shopkeeper.  
*Joseph Becraft*, Princes-street, Broad-street, St. Mary, Lambeth, Surrey, lime burner.  
*Edward Barlow*, Hog Lays, Kettering, Northampton, builder.  
*Thomas Harcourt*, Great Sutton-street, Clerkenwell, Saint James's, brass-founder.  
*Geo. Sands Sidney*, Gower-place, St. Pancras, out of business.  
*Frank F. Dally*, Maidstone, Kent, attorney at law.  
*Charles John Payne*, Francis-street, Golden-square, Saint James's, Westminster, commercial agent.  
*Samuel Elias*, Watford, Hertfordshire, fruiterer.  
*Thomas Watmough*, Preston, Lancashire, retail beer-seller.  
*Daniel Hall*, Kidlington, Oxfordshire, dairyman.  
*William Kay*, Hambleton, Brayton, near Selby, Yorkshire, labourer.  
*John Thackoray*, Ripon, Yorkshire, licensed victualler.  
*James Rigg*, Ilkley, Yorkshire, ostler.  
*Henry Elliott*, jun., Manchester, bookkeeper.  
*John Watson*, Castleford, Yorkshire, licensed victualler.  
*John Ward*, Leeds, cloth dresser.  
*Catherine Pritchard*, Ellesmere, Shropshire, milliner.  
*George Trimmings*, Harleyford-road, Kennington-oval, Surrey, barman to a licensed victualler.  
*Thos. Wiggerham*, Aston, near Birmingham, out of business.  
*Wm. Rhodes*, Stoke-upon-Trent, Staffordshire, grocer.  
*Wm. Cope*, Cobridge, Burslem, Staffordshire, crate maker.  
*Henry Lark Pratt*, Shelton, Stoke-upon-Trent, Staffordshire, china painter.  
*George Gilbert*, Bromley-common, Kent, driver of stage coach.

## INSOLVENT DEBTORS.

*Saturday, April 29.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Taylor*, Friargate, within Preston, Lancashire, joiner, No. 62,173 C.; *Henry Hunt*, assignee.—*Elias Hutchings*, Liverpool, commission agent, No. 62,065 C.; *Wm. Stock* and *James Cox*, assignees.—*Joseph Evans*, Cockshutt-piece, near Wrockwardine-wood, Shropshire, labourer, No. 62,427 C.; *John Pooler*, assignee.—*Robt. Tiltow*, Ipswich, Suffolk, tailor, No. 61,020 C.; *Robert Fisk*, assignee.—*Joseph Lambert*, Tipton, Staffordshire, licensed victualler, No. 62,303 C.; *Sim-eon Round* and *Thomas Churchill*, assignees.—*Thomas Stephenson*, Staindrop, Durham, smith, No. 57,775 C.; *Thomas Atkinson* and *John Hutchinson*, assignees.—*Anne Taylor*, Liverpool, out of business, No. 47,807 C.; *Henry Charles Gerard*, assignee.—*Henry Smith*, Ocker-hill, Staffordshire, farmer, No. 62,446 C.; *John Cartwright*, assignee.—*Robert Cotton*, Wellington, Shropshire, blacksmith, No. 62,532 C.; *Thomas Baddeley*, assignee.—*John Garner*, Yoxall, Staffordshire, surgeon, No. 61,936 C.; *Robert Tivey*, assignee.—*L. Griffiths*, Maesteg, Langonoyd, Glamorganshire, carpenter,

No. 62,233 C.; W. L. Powell, assignee.—*Edw. Henley*, Hiltop, Westbromwich, Staffordshire, greengrocer, No. 61,373 C.; George Shelton, assignee.—*George Cowen*, Halmes, Manchester, out of business, No. 62,124 C.; William Nell, assignee.—*James Carter*, Cambridge, wheelwright, No. 62,199 C.; James Hunt, assignee.—*Thomas Carter*, Stony Stratford, Buckinghamshire, brewer, No. 61,751 C.; R. Nicholson, assignee.—*Alexander Remington*, Rugeley, Staffordshire, cabinet maker, No. 62,496 C.; Rich. Madeley, assignee.—*Thomas Hall*, Falford, near Stone, Staffordshire, licensed victualler, No. 61,719 C.; J. Tym Middleton, assignee.—*James Pelling Hatch*, King's-terrace, Bagnigge-wells road, Clerkenwell, out of business, No. 54,803 T.; A. H. Nevill, assignee.—*J. S. Shalders*, High-street, Paul-street, Finsbury, bookbinder, No. 52,208 T.; Alfred Edgley, assignee.—*W. Warne*, South-st., Southampton-st., Camberwell, Surrey, carpenter, No. 54,876 C.; Wm. Eales, assignee.—*Alexander Geddes*, Globe-terrace, Devonshire-street, Mile-end, tailor, No. 54,725 T.; John Wiann, assignee.—*John Hudson*, Anchor-terrace, Southwark-bridge, Southwark, clerk to wholesale plumbers, No. 54,818 T.; Charles Field, assignee.—*W. Roberts*, Westbourne-street, Pimlico, out of business, No. 53,282 T.; Wm. Church, assignee.—*James Allwork*, Fountain-court, Strand, farmer, No. 54,881 T.; J. B. L. Farrant, assignee.—*Charles Letchford*, King-street, Hammersmith, tea dealer, No. 54,893 T.; John Hunt, assignee.—*James Stevens*, Upper Stamford-street, Surrey, out of business, No. 54,932 T.; Rich. Dixon, assignee.—*Rich. Thomas*, Maesteg, near Bridgend, Glamorganshire, butcher, No. 62,247 C.; W. Llewellyn Powell, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, May 23 at 9.*

*Thomas Smith*, Southampton-st., Camberwell, Surrey, general chandler's shopkeeper.—*Sami. Cullum*, London-street, Ratcliff, brewers' clerk.—*George Smith*, Castle-street, Leicester-sq., upholsterer's salesman.—*William Sawyer*, High-street, Lower Tottenham, grocer.—*J. Goodwin*, Hook-style, Godstone, Surrey, farmer.—*Thos. R. Weston*, High-street, Whitechapel, manager to a licensed victualler.—*Robert Holloway*, Mason's-buildings, East-rd., City-rd., licensed brewer.—*John F. Sims*, Clarence-road, Keatish-town, clerk to a coach builder.—*Robert Mackenzie*, Stafford-row, Pimlico, tailor.—*Robert C. Magub*, Lower East Smithfield, commission agent.

#### Adjourned.

*W. H. S. Hartley*, Piazza Coffee-house, Covent-garden, out of business.

*May 25, at the same hour and place.*

*Daniel Robertson*, jun., Western-cottages, Maiden-hill, Paddington, barrister at law.—*John Francis Clayton*, Sidney-sq., Sidney-street, Commercial-road, coal merchant.—*Deborah Chapman*, Page's-walk, Grange-road, Bermondsey, Surrey, beer-shop keeper.—*Wm. D. Powell*, Brook-st., Ratcliff, Middlesex, grocer.—*C. F. Groeger*, Bishopgate-street Without, comb manufacturer.—*George Ford*, High-st., Portland-town, Middlesex, chandler's-shop keeper.—*James Wells*, Gloucester-street, Hackney-road, bricklayer.—*Wm. B. Fox*, New-street, Dorset-square, process server.—*Fred. D. Bohm*, Rathbone-place, Oxford-street, out of business.—*Wm. Robert P. Golding*, Little Guildford-street, Russell-square, licensed dealer in beer.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Joseph Thomas Watson*, master in the navy, at Vernon's, Charing-cross; 1s. in the pound (in addition to a former dividend of 4s. 6d.).

#### MEETINGS.

*Sarah Jackson*, John-st., Lark-row, Cambridge-heath, widow, May 17 at 12, Macphail's, Wilmington-sq., Clerkenwell, sp. affairs.—*Benjamin Johnson*, Wye, Kent, grocer, May 3 at 1, Young & Son's, Mark-lane, sp. affairs.

#### FRIDAY, MAY 5.

##### BANKRUPTS.

**ALFRED STOCKEN and WILLIAM UTTON**, Halken-street, Belgrave-square, coach makers, May 16 at 11, and June 23 at 1, Court of Bankruptcy, London: Off. Ass. Lockington; Sols. Van Sandau & Cumming, 27, King-st., Cheapside.—Fiat dated May 4.

**ROBERT NOYES**, New Church-street, Lisson-grove, plumber, painter, and glazier, May 16 at 12, and June 9 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Casley, Guilford-street, Russell-square.—Fiat dated May 2.

**JOHN ADNUM**, Dorrington-st., Clerkenwell, upholsterer and dealer in furniture, May 19 at 12, and June 7 at 2, Court of Bankruptcy, London: Off. Ass. Lockington; Sol. Meyrick, 4, Fumival's-inn.—Fiat dated May 4.

**JAMES FARREN**, Nine-elms, Surrey, corn-dealer, May 16 at 12, and June 20 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. M'Leod & Stenning, 13, London-street, Fenchurch-street.—Fiat dated May 3.

**JOSEPH NAYLOR RYALLS**, Sheffield, and Eliaur, Yorkshire, vessel owner, May 16 at 12, and June 13 at 10, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Palfreyman, Sheffield; Blackburn, Leeds.—Fiat dated April 25.

**JOHN THOMAS NASH and JOHN TOMLINSON**, jun., York, mustard manufacturers and wholesale druggists, May 16 at 11, and June 6 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. W. Smith, jun., York; Bulmer, Leeds.—Fiat dated May 1.

**JOSEPH LEWIS**, Dawley, Shropshire, grocer, May 12 at half-past 1, and June 21 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Robinson & Smallwood, Wellington; Slaney, Birmingham.—Fiat dated April 27.

**JOSEPH HUMBLE**, Trindon, ironfounder, May 22 at 1, and June 29 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Steavenson, Darlington; Burn, Doctors'-commons.—Fiat dated March 31.

**RICHARD ALMOND**, Orrell, Lancashire, coal-dealer and corn-dealer, May 23 and June 16 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Woodcock & Company, Wigan, Lancashire; Gregory & Co., Bedford-row.—Fiat dated April 28.

#### MEETINGS.

*Charles Henry Webb*, Forebridge, Staffordshire, corn-dealer, May 16 at 1, District Court of Bankruptcy, Birmingham.—*William Hand*, Mollleston, Pembrokeshire, coal merchant, May 30 at 11, District Court of Bankruptcy, Bristol, pr. d.; at half-past 11, aud. ac.—*Michael Robert Jenkins*, Greenwich, Kent, tavern-keeper, May 8 at 12, Court of Bankruptcy, London, ch. ass.—*James Hayward* and *E. H. Moore*, Paternoster-row, booksellers, May 19 at 1, Court of Bankruptcy, London, ch. ass.—*Samuel M. Long*, North Lodge Farm, Enfield, lime-burner, May 18 at 10, Court of Bankruptcy, London, last ex.—*Robt. Chamberlain*, Ipswich, Suffolk, ship-owner, May 15 at 1, Court of Bankruptcy, London, last ex.—*Ed. Hilton* and *Nath. Walsh*, Over Darwen, Lancashire, paper makers, May 16 at 11, District Court of Bankruptcy, Manchester, last ex.—*Thos. Wrigley*, Westcroft-mill, King-cross, Halifax, Yorkshire, silk-waste spinner, May 24 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Tuttersall*, Old Lyons, Over Darwen, Lancashire, coal-dealer, May 19 at 12, District Court of Bankruptcy, Manchester, last ex.—*Jas. Higham*, Kearsley, Lancashire, victualler, May 17 at 11, District Court of Bankruptcy, Manchester, last ex.—*Richard Boddington*, Liquorpond-street, Hatton-garden, May 26 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Alex. Fraser*, Trellick-terrace, St. George Hanover-square, lodging-house keeper, May 26 at 1, Court of Bankruptcy, London, aud. ac.—*Daniel Baseley*, High-street, Southwark, and Surrey-place, Old Kent-road, cheese-monger, May 26 at 1, Court of Bankruptcy, London, aud. ac.—*Thos. Maggs*, Cheshunt, Hertfordshire, upholsterer, May 24 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Wm. Harry Woodall*, Bishopgate-street Without, woollen draper, May 27 at 12, Court of Bankruptcy, London, aud. ac.—*Joseph Stansbury*, St. Matthew's-place, Hackney-road, bookseller, May 26 at 11, Court of Bankruptcy, London, aud. ac.; May 29 at half-past 11, div.—*Wm. H. Croxson*, Rayleigh, Essex, wheelwright, May 26 at half-past 11, Court of Bankruptcy, London, aud. ac.; May 29 at half-past 12, div.—*Margaret Edmonds*, 4, Park-place, 15 A, Arlington-street, St. James's, and Hearn-hill-cottage, Hearn-hill, Surrey, hotel keeper, May 26 at 11, Court of Bankruptcy, London, aud. ac.—*John Hildyard* and *Robt. Hildyard*, Brigg, Lincolnshire, wine and spirit merchants, May 26 at 11, District Court of Bankruptcy, Leeds, aud. ac.; May 29 at 11, fin. div.—*Ge. Cottam* and *Wm. Osburn*, jun., Leeds, Yorkshire, wine mer-



cheats, May 26 at 11, District Court of Bankruptcy, Leeds and ac.; May 29 at 11, div.—*Wm. G. Wilde*, Ross, Herefordshire, tanner, May 30 at 1, District Court of Bankruptcy, Bristol, and ac.—*James Grant Smith*, Bath, Somersetshire, common brewer, May 30 at 12, District Court of Bankruptcy, Bristol, and ac.; June 6 at 11, div.—*John Bennett*, Manchester, calico printer, May 27 at 11, District Court of Bankruptcy, and ac.; May 30 at 11, div.—*Edw. Wright and Geo. Wright*, Bodmin, Cornwall, brewers, May 31 at 12, District Court of Bankruptcy, Exeter, and ac.; June 1 at 10, div.—*Hugh White*, Topsham, Devonshire, builder, June 1 at 12, District Court of Bankruptcy, Exeter, div.—*John Joel Cohen*, Manchester, watchmaker, June 2 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; June 6 at 11, div.—*Mich. Pass*, Nine-elms, Vauxhall, Surrey, lime burner, May 29 at half-past 11, Court of Bankruptcy, London, div.—*Samuel Headley*, New Bond-street, Hanover-square, coach maker, May 26 at 11, Court of Bankruptcy, London, fin. div.—*Eliz. C. Knappell*, Haymarket, hotel keeper, May 26 at 11, Court of Bankruptcy, London, fin. div.—*Jas. Simmons*, John Simmons, and *John Pine*, Battersea, and Stoney-st., Southwark, Surrey, manufacturers of the prussiate of potash, May 29 at 12, Court of Bankruptcy, London, div.—*J. F. Buisson*, Brabant-court, Philipot-lane, London, merchant, May 30 at half-past 1, Court of Bankruptcy, London, div.—*Alex. Ross and John Ogilvie*, Argyle-st., Middlesex, army agents, May 30 at 1, Court of Bankruptcy, London, div.—*D. K. Price and D. Price*, Pilgrim-street, Ludgate-hill, warehousemen, May 27 at half-past 1, Court of Bankruptcy, London, div.—*Jas. Heratio Rieckie*, Clyde-dock, Rotherhithe, Surrey, shipwright, May 27 at half-past 12, Court of Bankruptcy, London, div.—*Marnaduke Thomas*, Lawrence-lane, warehouseman, May 30 at 11, Court of Bankruptcy, London, div.—*Henry Wilkins and John Wilkins*, London-wall, London, and Pirna, Saxony, wool merchants, May 26 at half-past 2, Court of Bankruptcy, London, div.—*Wm. Catterall*, Liverpool, merchant, May 21 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—*John Ogden Burnley and John Auty*, Heckwoldke, Birstall, Yorkshire, corn millers, May 29 at 11, District Court of Bankruptcy, Leeds, div.—*William Munton*, Melind-wick, Greatford, Lincolnshire, miller, May 26 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*It is allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Deniel Gower*, Marquis-court, Drury-lane, carpenter, May 26 at half-past 1, Court of Bankruptcy, London.—*Frederick Shepley*, Farnham, Surrey, hop dealer, May 26 at 2, Court of Bankruptcy, London.—*John Feiers*, Colchester, Essex, hair dresser, May 26 at 2, Court of Bankruptcy, London.—*Wm. Paek*, Batchworth-house, Rickmansworth, Hertfordshire, miller, May 29 at half-past 1, Court of Bankruptcy, London.—*Robert Hallis*, Colchester, Essex, fishmonger, May 29 at 2, Court of Bankruptcy, London.—*Rich. Boddington*, Lignood-street, Hatton-garden, ironmonger, May 29 at 11, Court of Bankruptcy, London.—*Thomas Fawcett*, Whipnade, Bedfordshire, cattle dealer, May 29 at 11, Court of Bankruptcy, London.—*Thomas Gooch*, Dalston-terrace West, near Kingsland-gate, and Whitechapel-road, Middlesex, timber merchant, May 29 at 1, Court of Bankruptcy, London.—*Benj. Gray*, Acton-place, Kingsland-road, flour factor, May 30 at 12, Court of Bankruptcy, London.—*Thos. Maggs*, Cheshunt, Hertfordshire, upholsterer, May 29 at 11, Court of Bankruptcy, London.—*Edward Wright and George Wright*, Bodmin, Cornwall, brewers, May 31 at 12, District Court of Bankruptcy, Exeter.—*Robt. Guppy*, Halstock, Dorsetshire, horse dealer, June 1 at 2, District Court of Bankruptcy, Exeter.—*Wm. Burgoyne*, Plymouth, Devonshire, builder, June 1 at 2, District Court of Bankruptcy, Exeter.—*Robt. Brown*, Kingston-upon-Hull, bookseller, May 30 at 11, District Court of Bankruptcy, Leeds.—*Thomas Bagshaw*, Buxton, Derbyshire, innkeeper, May 30 at 1, District Court of Bankruptcy, Manchester.—*William Worsley*, Manchester, flour dealer, May 31 at 12, District Court of Bankruptcy, Manchester.—*Henry Mainwaring*, Manchester, draper, May 31 at 12, District Court of Bankruptcy, Manchester.—*Samuel Buckley*, Stayley-bridge, Ashton-under-Lyne, Lancashire, May 30 at 1, District Court of Bankruptcy, Manchester.—*Joseph Beech*, Manchester, brush maker, June 2 at 1, District Court of Bankruptcy, Manchester.—*Henry Clapham*, Liverpool,

woollen-draper, May 29 at half-past 11, District Court of Bankruptcy, Liverpool.—*John Jones*, Liverpool, merchant, May 29 at 12, District Court of Bankruptcy, Liverpool.—*Robert Combeere and Edward Butler*, Birmingham, woollen drapers, June 2 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before May 26.*

*Thos. Joyce*, Bristol, woollen draper.—*Wm. Osburn*, jun., Leeds, Yorkshire, wine merchant.—*Charles Ferris*, Bristol, victualler.—*Wm. Whitmore*, Stockport, Cheshire, watch manufacturer.—*Rich. Holding*, jun., Lancashire, coal merchant.—*Rich. Cuming*, Plymouth, Devonshire, ship owner.—*Rich. Rymer*, Chorlton-upon-Medlock, Manchester, painter.—*Wm. Barnett*, Sheerness, Kent, draper.—*Hen. Sidebotham*, Houghton and Manchester, cotton manufacturer.—*Edwin Marriott*, Northampton, draper.—*Wm. Webb*, Liverpool, ironmonger.—*Wm. Charnock*, Albion-terrace, Wandsworth-road, Surrey, plumber.—*Margaret Osborrow*, Stockport, Cheshire, pawnbroker.—*Thos. Wilson*, Liverpool, fancy-shawl dealer.

#### SCOTCH SEQUESTRATIONS.

*John Morris*, Dunfermline, manufacturer.—*James Jack*, Culbokie, Dingwall, Ross-shire, merchant.—*David Enverdale*, Blairgowrie and Dunkeld, merchant.—*John and Wm. Moffat*, Glasgow, merchants.

#### DECLARATIONS OF INSOLVENCY.

*Wm. Melwain*, Burton-upon-Trent, Staffordshire, foreign toy dealer.

*Jeffery Curtis*, Lower Homerton, Hackney, smith.

*John B. Brown*, Brighthelmstone, Sussex, surgeon.

*Chas. Fisher*, Span's-place, St. Pancras, artificial-flower manufacturer.

*Frederick William Fisher*, Upper Albany-street, Regent's-park, attorney's clerk.

*William Poole*, Ponygally, Kerry, Montgomeryshire, out of business.

*Wm. P. Fisher*, Dartford, Kent, surgeon's assistant.

*John Angel*, Edgbaston, Warwickshire, coal merchant.

*George Scwrah*, Chapel-place, Holloway, general chandler's shop keeper.

*Moses Humphries*, Manchester, joiner.

*John Taylor*, Morley, Batley, Yorkshire, woollen-cloth manufacturer.

*John Armstrong*, Goole, Yorkshire, tailor.

*Charles Dunn*, Upper Gloucester-street, St. James, Clerkenwell, law clerk.

*Wm. Rhodes*, Huddersfield, Yorkshire, shoe maker.

*Wm. Skilton*, Hoo, Kent, baker.

*Michael Wells*, Ewell, Surrey, out of business.

*James Maggs*, Crutched-friars, London, clerk in her Majesty's Customs.

*Geo. E. Morris*, Agar-st., West Strand, harness maker.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, May 26 at 9.*

*John G. Bailly*, Drum-lane, Old Brompton, out of business.

*Jas. Shaw*, Uxbridge, butcher.—*David Craig*, Stanhope-st.,

Clare-market, baker.—*John Lafferty*, Bromley-place, Hamp-

stead-street, Fitzroy-square, cowkeeper.—*J. Pitcher*, Drake-

street, Red Lion-square, carpenter.—*Geo. William Vincent*,

Wandsworth, waterman.—*Hen. Brewer*, St. Andrew's-street,

Seven-dials, grocer.—*John Fiddes*, Wellington-terrace, St.

John's Wood, broker.—*Wm. Brown*, Royal Hospital-row,

Chelsea, confectioner.—*A. Milne*, Limekiln-hill, Limehouse,

shipwright.—*Jas. Menzies*, Upper Kensington-gore, Hyde-

park, out of business.

*May 29, at the same hour and place.*

*J. Jessop*, Duke-st., Piccadilly, tailor.—*Alberico Curioni*,

Great Marlborough-street, Regent-street, singer.—*William*

*Davidson*, Stanmore, Middlesex, out of employment.—*John*

*Byars*, Southampton-pl., Nine-elms, Lambeth, Surrey, baker.

—*Geo. Platt*, Ford's-buildings, Battersea, Surrey, bricklayer's

labourer.—*Wm. Price*, jun., Brewer-street, Golden-square,

out of business.—*Mary Strutt*, widow, Saville-row, Mile-end-

road, out of business.—*Geo. Linley*, Frederick-place, Hamp-

stead-road, composer of music.—*Wm. Starr*, Hooper's-court,

Knightsbridge, artificial-flower maker.—*George Fred. Smees*,

Pearson-street, Kingsland-road, brewer's drayman.—*John W.*

*Prentice*, Southgate, Middlesex, out of business.



## INSOLVENT DEBTORS' DIVIDENDS.

*Wm. Gowdy*, Newcastle-upon-Tyne, master in the Navy, Ingledew's, Newcastle-upon-Tyne: 2s. 2d. in the pound (in addition to a former dividend of 5s. 10d.)—*Thomas Holden*, Settle, Yorkshire, cattle dealer, Aspinall's, Manchester: 1s. 1½d. in the pound.—*R. Woofe*, Much Wenlock, Shropshire, saddler, Hinton's, Much Wenlock: 7s. in the pound.—*John King*, Grace-hill, Folkestone, Kent, purser in the Royal Navy, May 10, Goldsmith's, Dover: 3s. 4½d. in the pound.

## COURT OF QUEEN'S BENCH.

EASTER TERM, 1843.—6 VICT.

This Court will, on Friday, the 12th, and Saturday, the 13th of May, hold Sittings, and will proceed in disposing of the business now pending in the New Trial Paper, and in giving judgment in pending cases.

BY THE COURT.

## LAW BOOKS.

Mr. HODGSON will SELL by AUCTION, at his Great Room, 192, Fleet-street, (Corner of Chancery-lane), on FRIDAY next, May 12, at half-past 12, (by Order of the Executors),

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# The Jurist

No. 331.

LONDON, MAY 13, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, MAY 13, 1843.

We call the attention of our readers to two recent cases of great importance, on the construction of the 2 & 3 Will. 4, c. 100, (the Tithe Act); viz. *Salkeld v. Johnston*, (1 Hare, 196); and *Fellowes v. Clay*, (reported ante, p. 343).

In the first case, the plaintiff was the vicar of a parish, and filed a bill against certain occupiers for an account of tithes of turnips, potatoes, cabbages, tares, grass-clover, rye-grass, sanfoin, and other artificial grasses &c. The rector of the parish who was made a defendant, disclaimed all title to the tithes in question. It appeared that the rector for the time being had received tithes of corn and grain, but had never received or claimed any tithe of the titheable matters claimed by the bill; that the vicar for the time being had received the tithes of some titheable matters in the parish, different from and not including the particular titheable matters claimed by the bill; and it did not appear that of those titheable matters, tithe had ever been paid to any person. The defendants insisted on the stat. 2 & 3 Will. 4, c. 100, and non-payment for the time prescribed by that act, as establishing in their favour an exemption. The vicar insisted, that, on the true construction of that act, it merely applied to cases in which before the act an exemption might lawfully have been pleaded. And the case of *Fellowes v. Clay*, then pending before the Court of Queen's Bench, was referred to. The Vice-Chancellor Wigram refused to suspend his judgment till after the decision of the case in the Court of Queen's Bench, on the ground that the facts of that case differed materially from those in the case before him; and his Honor came to the conclusion, that the mere non-payment did not establish in the defendants the claim of exemption that they set up; on these grounds—that, according to the preamble of the act, the mischief to be provided against was the length of time ne-

cessary to establish a valid claim of modus or exemption; and that such preamble dealt with time and time only; that the enacting part of the statute had the same operation; that it professed only to aid the proof of a modus, and not to make that a good modus, which would before the act have been invalid; that it referred to the modus to be established, as something known to the law; that by the words "modus or exemption by composition real or otherwise," it must mean by composition real or other legal cause; and could not have intended to create new causes for modus or exemption before unknown to the law; that the act did not say that evidence of non-payment should create, but only that it should sustain the modus or exemption spoken of.\*

His Honor thought these grounds would have been sufficient for construing generally the Tithe Act to give only the limited relief of time; but that the considerations which led him to that view were irresistible, if applied to such a case as that before him; because in that case the exemption under the act must have been on the ground of a supposed contract before time of legal memory, whereas most of the titheable matters, the subject of such supposed contract, being confessedly unknown in this country till long after the time of legal memory, such a contract would have been merely void. Hence would result, if we understand clearly this part of his Honor's judgment, (supposing the construction contended for by the defendants to be adopted), the absurdity of supposing the act to intend to make a certain length of time evidence of a contract which could never have had any legal existence. And on the whole his Honor held, that, on the true construction of the

\* We have endeavoured in the above very imperfect sketch, to compress into a few words the substance of the reasons given in the learned judge's elaborate and eloquent argument; but we feel unable by any practicable abridgment to do it justice.

statute, it applied only to time, and not to the creation of new grounds of exemption.

In *Fellowes v. Clay*, as we understand it, the point to which the court had substantially to direct its attention was precisely the same as that before the Vice-Chancellor Wigram, viz. whether a party seeking to establish exemption from tithes could do so on mere proof of nonpayment for the period mentioned by the statute, or whether he must also prove some other ground of exemption to which he applied the fact of nonpayment: in other words, whether the statute has the effect of so far altering the old law, as to establish by the mere fact of nonpayment an exemption, or whether the law remains so far unaltered, that some ground of exemption, which would have been one before the statute, must be still established, the statute merely going to render conclusive a certain length of time of nonpayment, which would before have been open to be rebutted by evidence. On this point the Court of Queen's Bench was equally divided, the Lord Chief Justice and Mr. Justice Williams holding that the statute has the larger operation of establishing by proof of nonpayment an exemption from tithes, and Justices Coleridge and Patteson holding the contrary.

In the present state of the authorities, professing to leave the point undecided, it will not we apprehend be indecorous to offer first some observations on the point which seems to have been assumed in both courts, that the case before Mr. Vice-Chancellor Wigram, and that before the Court of Queen's Bench, were different cases; and secondly, to suggest some objections, to which the learned argument of the Lord Chief Justice in favour of the more extended construction of the act seem open.

The Vice-Chancellor Wigram, as we have observed, gave as a reason for deciding the case before him, without reference to the case pending before the Court of Queen's Bench, that the facts of the two cases were different; and the Lord Chief Justice professes to accept the assertion of that opinion by the Vice-Chancellor, as relieving him from considering whether his decision is an authority or not. Now, we submit with very great humility, that, although there are differences between the two states of facts, they are not differences material to the point to be decided on; in other words, that, although the two sets of facts may be different *quâ* facts, they involve precisely the same point of law. In *Salkeld v. Johnston*, the question before the court seems to have divided itself into two branches: the first, whether the court could acquiesce in that construction of the act contended for by the defendants, in which case it would have been immaterial to consider the effect of those facts on which the decree, so far as it was for the plaintiff, was founded; the second, if it could not, then, whether, upon the evidence of title in the plaintiff, he could make himself entitled to any and what decree. The facts involved in the consideration of the first question were apparently two, viz. the nonpayment, and the nature of the titheable matters being such, that by no possibility could there have been a legal contract before the time of memory for exemption. We contend, however, that of these only the first was material; for if the Vice-Chancellor had come to the conclusion that the mere nonpayment, without any reference to the nature of any other ground of ex-

emption, *would* establish exemption under the statute, then the circumstance that the ground of exemption, other than time, was impossible as a legal ground, and was therefore one on which no evidence could be admitted, would be quite immaterial, and could not have altered the conclusion on the construction. If, on the other hand, his Honor had thought that mere nonpayment would *not* have established exemption, then how could the importation into the case of the additional circumstance, that the alleged other ground of exemption was impossible as a legal ground, incapable therefore of proof, have altered the decision on that branch of the case?

We venture therefore to contend, though in opposition to the apparent impression of both courts we can only state our view with extreme diffidence, that the facts of the case before Sir J. Wigram and those of the case in the Queen's Bench were, so far as they required to be considered for the determination of the construction of the Tithe Act, not different; and that the decision of Vice-Chancellor Wigram was therefore an express authority on the very point brought before the Court of Queen's Bench.

We pass now to the consideration of some points in the learned argument of the Lord Chief Justice in *Fellowes v. Clay*. One of the reasons assigned by his Lordship for the conclusion to which he comes is, that "the preamble states the purpose of the act to be to shorten the time for the valid establishment of a modus or exemption, not the time necessary for raising the presumption of payment or nonpayment." "That purpose," he continues, "is, indeed, contrasted by the enactment which found the law requiring no specific time for creating the presumption, but introduced certain long periods as necessary to that end, for those who received the benefit of the act. The time requisite to warrant such presumption under the act has been prolonged, to the prejudice of the landowner, and has given him no equivalent for that disadvantage, unless certain proofs of antiquity in the other ingredients of a modus or exemption are dispensed with."

We pass over the singularity of that part of the argument which seems to attempt a sort of balance of accounts between the landowner and the Legislature, and which, assuming to estimate the precise damage to the landowner of extending the time of presumption, (a damage which, if it exists at all, must be, of necessity, an unknown quantity), infers that the Legislature must therefore have intended for his compensation something else, which is also, of necessity, an unknown quantity.

Without dwelling any longer on this view of the argument, may it not be asked how it is to be assumed that the alteration from an indefinite time for presumption capable of rebutter, to a specific time, perhaps longer but conclusive if established, is a disadvantage? And unless that be clear, the inference in favour of an intention of giving an equivalent advantage to the landowner falls to the ground. Further, does it follow at all as a necessary inference, from the distinction pointed out by his Lordship, in reference to the preliminary words of the preamble, that the Legislature meant to refer the establishment of the title to a modus or exemption exclusively to time? Whether the construction of the Lon

Chief Justice or of the other two learned Judges be the true one, in either view the words of the preamble would be satisfied; as in either view the effect of the preamble would be to shorten the time for the valid establishment of *some* modus or exemption. But the question is, *what* modus or exemption does the Legislature contemplate? And to this point the argument of the learned Chief Justice does not seem to apply itself.

Others of his Lordship's arguments, however, appear to be drawn from the history of the 2 & 3 Will. 4, c. 100, the purport of other statutes passed about the same time, the construction indirectly put on it by a subsequent act, (the 6 & 7 Will. 4, c. 61), and the general policy of the Tithe Act. With respect to the arguments drawn from some at least of these topics, we should venture with great humility to observe, that the objection seems to offer itself, that they are in effect arguments tending to construe an act by evidence dehors the act itself. But independently of this, may it not be objected, that the language of the Prescription Act, (2 & 3 Will. 4, c. 71), and of the report of the learned commissioners on which it was founded, affords no necessary inference bearing on the supposed intention of the Tithe Act? The 2 & 3 Will. 4, c. 71, concerned exclusively rights, in regard to the title to which, length of user or abandonment was the whole question; and it does not at all follow, that because the learned Real Property Commissioners proposed, and the Legislature acquiesced in the proposal, that in regard to such rights, "adverse enjoyment during a certain period should be conclusive evidence of the right to a profit or easement," therefore either intended, in respect to other rights, the title to which depends, in some cases, not on time at all, but on other ingredients, to remove the necessity of proof of those other ingredients. Again, with respect to the light to be gathered from the Tithe Commutation Act; when that act in the 49th section provides, "that nothing in that act shall revive any right to tithes which is now or hereafter shall be barred by any law in force for shortening the time required in claims of a modus decimandi, exemption from or discharge of tithes, or for the limitation of actions or suits relating to real property," how, we would ask, with great deference, is anything to be inferred from that language tending to shew that the Legislature put in it a construction on the former act? All that it does, is to provide against the revival of any right barred by the Tithe Act; but it leaves quite untouched the question what rights are so barred.

In conclusion, we will observe, that our principal object in the foregoing remarks has been to direct the attention of our learned readers to a question of very considerable importance, and to contend, notwithstanding the disclaimer which has proceeded from each of the two courts engaged in its discussion, that the point which came before the Court of Queen's Bench is the very same that had been decided by Vice-Chancellor Wigram, and that the opinions of Lord Denman and Mr. Justice Williams can only be supported by overruling the authority of *Salkeld v. Johnston*.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed Robert Richardson, of Oundle, Northamptonshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

## Court Papers.

### COURT OF QUEEN'S BENCH. EASTER TERM.—6 VICT.—May 9, 1843.

This Court will, on Wednesday, the 17th instant, hold Sittings, and will proceed in disposing of the business now pending, and give judgment in cases previously argued.  
By THE COURT.

### COMMON-LAW SITTINGS, TRINITY TERM.

#### Exchequer of Pleas.

##### In Term.

MIDDLESEX.	LONDON.
1st sitting, Friday . May 26	1st sitting, Wednes., May 31
2nd sitting, Friday .. June 2	2nd sitting, Friday .. June 9
3rd sitting, Monday ..... 12	By adjourn., Saturday .. 10

##### After Term.

Friday ..... June 16	Saturday ..... June 17 (To adjourn only).
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The court will sit, from day to day, until all the causes entered for the Middlesex sittings respectively are disposed of.—The court will sit during term at ten o'clock; and after term at half-past nine o'clock.

### GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been called to the Bar, Easter Term, 1843:—

**LINCOLN'S INN, May 4.**—John Thomas Betts, jun.; John E. B. Curtis; George Miller; Pierre Laterriere; Leofric Temple; Charles Price Green; Louis Peter Petit; and Walter G. J. McGrigor, Esqs.

**INNER TEMPLE, May 5.**—B. W. Greenfield; J. A. King; H. Weightman; P. L. Powys; F. L. Spinks; J. H. Mills; H. S. Laycock; and C. Hue, Esqs.

**GRAY'S INN, May 10.**—R. H. Carter, Esq.

### London Gazettes.

#### TUESDAY, MAY 9. INSOLVENT.

**HENRY CUNDALL**, Little Hadham, Hertfordshire, publican.  
BANKRUPTS.

**HOWARD HALL**, Church-st., Fulham, Middlesex, pawnbroker and salesman, May 19 at 12, and June 20 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Kiss & Son, 159, Fenchurch-street.—Fiat dated May 4.

**WILLIAM DAVIS HART**, Ballingdon, Essex, tailor and draper, May 23 and June 20 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Gude, jun., George-yard, Lombard-street.—Fiat dated April 21.

**ABRAHAM DAVIS**, 113, Tottenham-court-road, 281, Oxford-street, and 51, High-street, Bloomsbury, dealer in glass, china, and earthenware, and hardwareman, May 20 at half-past 11, and June 20 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Lewis, 16, Wilmington-sq.—Fiat dated May 3.

**RICHARD THOMAS HICKS**, Cooper's-row, Tower-hill, wine merchant, May 18 at half-past 12, and June 20 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Macy, 27, Bury-st., St. James's.—Fiat dated April 26.

**JOSEPH ROSE**, Spalding, Lincolnshire, ironmonger, May 18 at 1, and June 19 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Carter, Spalding; Gem & Son, Birmingham.—Fiat dated April 29.

**JOHN BURGESS**, Manchester, licensed victualler, May 26 at 1, and June 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Chew, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated May 5.

**SARAH CHAPMAN**, Liverpool, sail maker and ship chandler, May 25 and June 22 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Birkett & Foster, Liverpool; Vincent & Sherwood, 9, King's Bench-walk, Temple.—Fiat dated May 5.

#### MEETINGS.

**W. Ball**, Paternoster-row, bookseller, May 19 at half-past 12, Court of Bankruptcy, London, ch. ass.—**T. Arnold**, Paternoster-row, bookseller, May 19 at half-past 12, Court of Bankruptcy, London, ch. ass.—**George Brown**, Bilston, Staffordshire, maltster, May 20 at half-past 12, District Court of Bankruptcy, Birmingham, ch. ass.—**James Harrington** and **Wm. Pattinson**, Woodbank, St. Cuthbert, Cumberland, calico printers, May 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—**Saml. Maw Long**, Bodney-hall, Norfolk, lime burner, May 18 at 10, Court of Bankruptcy, London, last ex.—**James Jolley**, St. Alban's-place, Haymarket, and Pelham-road, Brompton, builder, May 17 at half-past 11, Court of Bankruptcy, London, last ex.—**Nathaniel W. Corp**, Yarmouth, Norfolk, merchant, May 26 at 3, Court of Bankruptcy, London, last ex.—**Margaret Edmonds**, Park-place, and Arlington-st., St. James's, Middlesex, and of Hearn-hill-cottage, Hearn-hill, Surrey, lodging-house keeper, May 26 at 11, Court of Bankruptcy, London, last ex.—**H. Panton**, **T. W. Panton**, **Geo. Forster**, and **J. W. Morley**, Sunderland, Durham, iron manufacturers, May 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Saml. Tucker**, Exeter, carrier, June 14 at 1, District Court of Bankruptcy, Exeter, last ex.—**John Sewell**, Chatteris, Isle of Ely, Cambridgeshire, money scrivener, May 30 at 11, Court of Bankruptcy, London, aud. ac.—**Mary Evans**, **John Evans**, and **T. H. Evans**, Old-st.-road, paper stainers, June 2 at 11, Court of Bankruptcy, London, aud. ac.—**Wm. R. Kemp**, Alfred's-terrace, Holloway, grocer, June 1 at 11, Court of Bankruptcy, London, aud. ac.—**Thos. F. Harris**, Great Portland-street, draper, June 1 at 11, Court of Bankruptcy, London, aud. ac.; June 2 at 11, div.—**George Whitehead**, Fleet-street, London, printer, and Boyle-street, Burlington-gardens, scrivener, May 18 at 2, Court of Bankruptcy, London, aud. ac.—**Gregory Secombe** and **Saml. Secombe**, Tavistock, Devonshire, and Bude, Cornwall, tailors and drapers, June 2 at 12, District Court of Bankruptcy, Exeter, aud. ac.—**Robert Barnes**, Newcastle-upon-Tyne, tanner, June 1 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Burkinson**, Sunderland, Durham, upholsterer, May 30 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**John Reed**, Newcastle-upon-Tyne, sail-cloth manufacturer, May 31 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—**Edward Smith**, Bishopwearmouth, Durham, merchant, June 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 2 at 11, div.—**James Walton**, Newcastle-upon-Tyne, saddler, June 1 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 2 at 1, div.—**Thos. Bell**, Newcastle-upon-Tyne, tea-dealer, May 30 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; May 31 at 11, div.—**W. S. Guest**, Chester, tanner, June 2 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—**Don. W. Acraman**, **Wm. Ed. Acraman**, and **A. John Acraman**, Bristol, merchants, June 1 at 11, District Court of Bankruptcy, Bristol, aud. ac.; June 2 at 11, div. sep. est.—**D. W. Acraman**.—**John Sorby**, Sheffield, Yorkshire, steel manufacturer, June 1 at 1, District Court of Bankruptcy, Leeds, aud. ac.; June 3 at 11, div.—**John Elliot**, Sheffield, Yorkshire, merchant, May 31 at 1, District Court of Bankruptcy, Leeds, aud. ac.; June 1 at 1, div.—**Robert Elliot**, Sheffield, Yorkshire, merchant, May 31 at 1, District Court of Bankruptcy, Leeds, aud. ac.; June 1 at 1, div.—**William Dunn**, Southampton, merchant, June 2 at 2, Court of Bankruptcy, London, div.—**Jas. Imray**, Old Fish-street-hill, Upper Thames-street, stationer, and Minories, chart-seller, June 2 at half-past 1, Court of Bankruptcy, London, div.—**John R. Birnie**, Basingstoke, Hampshire, and Frimley, Surrey, wharfinger, June 2 at half-past 2, Court of Bankruptcy, London, fin. div.—**Chas. Bridger**, Hampton, mealman, June 2 at 12, Court of Bankruptcy, London, div.—**Wm. Cock**, Bungay, Suffolk, grocer, May 30 at half-past 1, Court of Bankruptcy, London, div.—**John Wilshin**, Reading, Berkshire, draper, May 30 at 11, Court of Bankruptcy, London, div.—**James M. Sperling**, Halstead, Essex, scrivener, May 30 at 12, Court of Bankruptcy, London, div.—**John Sparham**, Froston, Suf-

folk, miller, May 30 at 12, Court of Bankruptcy, London, div.—**Richard Boddington**, Liqueorpond-street, Hatton-garden, ironmonger, May 30 at 2, Court of Bankruptcy, London, div.—**Isaac Forth**, Castle-street, Southwark, Surrey, batter, June 2 at 11, Court of Bankruptcy, London, fin. div.—**Jos. Froste** and **Isaiah Ashlin**, Liverpool, merchants, June 2 at 1, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

**Wm. Butler**, Holborn-hill, victualler, May 30 at half-past 11, Court of Bankruptcy, London.—**John Hague**, Thames Iron Works, Rotherhithe, Surrey, engineer, May 30 at half-past 11, Court of Bankruptcy, London.—**Wm. Gorlon**, St. Peter's-chambers, Cornhill, merchant, May 30 at 12, Court of Bankruptcy, London.—**John Kirby**, Brooksby-street, Islington, victualler, May 30 at half-past 11, Court of Bankruptcy, London.—**Wm. Cannabee**, Camberwell-green, Camberwell, Surrey, bookseller, June 1 at 2, Court of Bankruptcy, London.—**Wm. Richard Kemp**, Alfred's-terrace, Holloway, grocer, June 1 at 2, Court of Bankruptcy, London.—**Wm. J. B. H. Lofly**, Bennett-street, Blackfriars-road, Surrey, ship-owner, June 1 at half-past 11, Court of Bankruptcy, London.—**Rich. Gaulton**, Dorchester, licensed victualler, May 31 at 1, District Court of Bankruptcy, Exeter.—**James Knappton** and **William M'Kay**, Manningham, Bradford, Yorkshire, stuff manufacturers, May 30 at 1, District Court of Bankruptcy, Leeds.—**John A. Boden**, Sheffield, Yorkshire, razor manufacturer, May 31 at 11, District Court of Bankruptcy, Leeds.—**Joseph Tyavell**, Sheffield, Yorkshire, tailor, May 30 at 12, District Court of Bankruptcy, Leeds.—**Samuel Kirk**, Sheffield, iron-founder, May 30 at 12, District Court of Bankruptcy, Leeds.—**Thos. Coates**, Leeds, coach proprietor, May 30 at 2, District Court of Bankruptcy, Leeds.—**Isaac Sealby**, Keswick, Cumberland, edge-tool manufacturer, May 31 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—**John Auty**, Heckmondwike, Birstall, Yorkshire, corn miller, May 31 at 11, District Court of Bankruptcy, Leeds.—**Charles Scott**, Newcastle-under-Lyme, Staffordshire, currier, June 1 at half-past 12, District Court of Bankruptcy, Birmingham.—**Ralph Taylor** and **Richard Burgess**, Tunstall, Staffordshire, earthenware manufacturer, June 1 at 11, District Court of Bankruptcy, Birmingham.—**Maurice Seary**, Swndwr, near Northop, Flintshire, maltster, June 7 at 11, District Court of Bankruptcy, Liverpool.—**Hen. Lonsdale**, Sheffield, Yorkshire, grocer, May 31 at 11, District Court of Bankruptcy, Leeds.—**Joseph Carlisle**, Bury, Lancashire, draper, May 31 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before May 30.*

**Peter S. Parkin**, Robert-st., Chelsea, and Upper Ebury-street, ironmonger.—**Henry Brand**, Cambridge, slater.—**Jas. Coultell**, Richmond, Surrey, builder.—**Wm. Watts**, King's Lynn, Norfolk, grocer.—**Wm. H. Swain**, Farnham, Surrey, druper.—**Thos. Kiltington**, Brough, Westmorland, innkeeper.—**James Jackson**, Hammersmith, grocer.—**William Ward Harvey**, sen., and **William Ward Harvey**, jun., Mansfield, Nottinghamshire, coach maker.—**Henry Sidebotham** and **Thomas Lewis**, Haughton, Lancashire, cotton manufacturers.—**Elizabeth Edge**, Dawley-green, Dawley, Shropshire, victualler.—**I. J. T. Hayward**, Downfield, and Stroud, Gloucestershire, common brewer.—**John Elliot**, Sheffield, merchant.—**Thomas Patton**, Swan-st., St. Mary, Newington, Surrey, ironfounder.—**Edward Thompson**, South Shields, Durham, wine dealer.

#### PARTNERSHIP DISSOLVED.

**William Duke** and **Thomas Yarrall Johnson Dally**, Arundel, Sussex, attorneys at law and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Wm. Waddell**, Glasgow, merchant.—**Archibald Louder**, Glasgow, fish dealer.—**John and Wm. Moffatt**, Glasgow, merchants.—**Thos. M'Indoe**, Edinburgh, writer.—**Andrew Hutchinson**, Cupar, merchant.

#### DECLARATIONS OF INSOLVENCY.

**William Poole**, Ponnygelly, Kerry, Montgomeryshire, out of business.

**John Clayton**, jun., Sheffield, sheriff's officer.

**Thos. Cullingworth**, West-bar, Sheffield, licensed victualler.

**Jas. B. Brierley**, Altrincham, Cheshire, omnibus driver.

*Thomas Merrick*, Ruspidge, St. Briavels, Gloucestershire, saddler.

*Ben. Watson*, Huddersfield, Yorkshire, commission agent.

*Simon Jacobs*, Manchester, out of business.

*Wm. P. Hatch*, Kingsholm, Gloucestershire, sub-contractor.

*William Cowking Dixon*, Birmingham, coal dealer.

*Thomas Hewett*, Felix-terrace, Liverpool-road, St. Mary, Islington, cheesemonger.

*Wm. Braithwaite*, Pisgah-vale, Sheffield, scissor manufacturer.

*Henry Warren*, Knighton, Radnorshire, member of the Royal College of Surgeons.

*Joseph Heptonstall*, Leeds, painter.

*Joseph Lee*, Mirfield, Kirkheaton, Yorkshire, builder.

*James Boulter, jun.*, Farmborough, Somersetshire, out of business.

*George Shoobridge*, Abergelle, Denbighshire, North Wales, manager to a lead mine.

*Thomas Nowell*, Dewsbury, Yorkshire, tinner.

*James Merchant*, Puckeridge, Standon, Hertfordshire, wheelwright.

*Wm. Smart*, Bridgwater, Somersetshire, master mariner.

*Rich. Burnett*, St. Paul's, Deptford, Kent, licensed victualler.

*Wm. Hampson*, Addington, Standish, Lancashire, farmer.

*Rich. Brooke*, Woddsome, Mirfield, Yorkshire, wheelwright.

*Richard C. Nunn*, Fieldgate-street, Whitechapel, carpenter.

*George Ward*, Dodington-grove, Kennington, hatter's warehouseman.

*Thomas Sanders*, Westoning, Bedfordshire, cow dealer.

*John Wood*, Huddersfield, Yorkshire, hair dresser.

*John Haggitt*, Malvern-cottages, Portland-place North, Clapham-road, Lambeth, warehouseman.

*Joseph M'Cartney*, Manchester, grocer.

*Michael Sayes*, Bowes, Yorkshire, carpenter.

*Michael Hawkins*, Whitehall-gardens, Westminster, gentleman's servant.

*Walter M. Packer*, Leicester-square, musician.

*John Elias Hill*, Bouverie-street, Praed-street, Paddington, horse dealer.

#### INSOLVENT DEBTORS.

*Saturday, May 6.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Cooper*, Coventry, Warwickshire, manager of the Bull's Head and Anchor Inn, No. 62,585 C.; *Henry Pitt*, assignee.—*Wm. Hen. Deacon*, South-street, East-lane, Walworth, Surrey, leather seller, No. 51,632 T.; *Wm. Hancock*, assignee.—*Wm. Burrows*, sen., Chalford, Gloucestershire, millwright, No. 62,322 C.; *Jas. Withey* and *Obadiah Smart*, assignees.—*Wm. Chinn*, Birmingham, brewer, No. 62,428 C.; *Thos. Cooper*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, May 30 at 9.*

*Chas. Thomson*, Wood-lane, Shepherd's-bush, near Notting-hill, in no business or employment.—*Thos. White*, New-yard, Great Queen-street, Lincoln's-inn-fields, farrier.—*Jas. Smith*, Alfred-place, Newington-causeway, cabinet maker.—*Edward P. Symons*, Vale-house, Green-lanes, Stoke Newington, in no business.—*Jean Hornby*, widow, Upper Barnsbury-st., Barnsbury-road, Islington, seamstress.—*Mary Usher*, widow, Royal Hospital-row, Chelsea, out of business.—*Edmund Peck*, Cottage-grove, New Peckham, Surrey, tea dealer.—*W. Ailes*, Gt. Titchfield-st., Oxford-market, coffee and eating-house keeper.—*James Gray*, Upper Garden-street, Vauxhall-bridge-road, coal dealer.—*Chas. Morris*, Kirby-st., Hatton-garden, bookbinders' tool cutter.—*Daniel Good*, Canal Sufferance Wharf, Albany-road, Camberwell, timber merchant.

*June 1, at the same hour and place.*

*Den. Cole*, High-street, Kingsland, builder.—*Ch. Taylor*, Elizabeth-place, Kingsland-road, coach maker.—*Wm. Craft*, Queen-street, Golden-square, in no business.—*Lucy Cooke*, Manor-place, Walworth, Surrey, chandler's-shop keeper.—*Thos. Watts*, Shacklwell New-road, Shacklwell, grocer.—*Edw. Druitt*, Park-street, Islington, in no business.—*Wm. Cardale*, Mansfield-place, Kentish-town, in no business.—*J. G. Hitchcock*, New Park-street, Southwark, Surrey, out of business.—*Rob. Newland*, Grosvenor-street, Milbank, Westminster, joiner.—*Wm. Bradick*, West-street, Soho, cabinet maker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*And. Hutchinson*, Newcastle-upon-Tyne, machine maker, Hoyle's, Newcastle-upon-Tyne: 6d. in the pound.—*Robert Hines*, Ipswich, fisherman, Grimsey's, Ipswich: 1s. 4d. in the pound.—*Rich. Vaughan*, Wych-street, Strand, publican, Lacey & Howard's, Queen-street, Cheapside: 3s. 10½d. in the pound.

#### MEETINGS.

*Benj. Johnson*, Wye, near Ashford, grocer, May 24 at 1, Young & Son's, Mark-lane, London, sp. aff.

#### FRIDAY, MAY 12.

##### BANKRUPTS.

**JOSEPH POOLLY**, Maidstone, Kent, timber merchant and carpenter, May 19 at 1, and June 23 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. King, Maidstone; Palmer & Co., 24, Bedford-row.—Fiat dated May 14.

**JOHN STEVENS**, Britwell Salome, Oxfordshire, iron-founder, May 19 at half-past 2, and June 23 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Eyre, Bennington, Oxfordshire; Miller, Abchurch-lane.—Fiat dated May 6.

**JAMES CALEB WHITTENBURY**, Blackheath-hill, Kent, builder, May 18 at 1, and June 23 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Hooker, Bartlett's-buildings, Holborn.—Fiat dated May 10.

**EDWARD BINYON**, Bell's-buildings, Salisbury-sq., Fleet-street, commission agent, May 19 at 12, and June 20 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Branson, Sheffield; Fidley, 3, Paper-buildings, Temple.—Fiat dated May 10.

**JOHN GOLLOP**, **DAVID REDMUND**, and **THOMAS KINGSNORTH**, Charles-street, City-road, iron founders and hinge makers, May 25 at 12, and June 23 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Tucker, Sun-chambers, Threadneedle-street.—Fiat dated May 5.

**ROBERT WARD**, Windmill-street, Tottenham-court-road, fringe manufacturer, May 24 at 12, and June 28 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Cox, Pinner's-hall, Broad-street.—Fiat dated May 10.

**GEORGE FAIRLESS**, Melbourne, Yorkshire, timber merchant, May 23 and June 14 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Parker & Weddall, Selby.—Fiat dated May 3.

**JAMES STOTT**, Wuerdle and Wardle, Rochdale, Lancashire, woollen manufacturer, May 24 and June 14 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Andrew, Manchester; Wilkinson, 44, Lincoln's-inn-fields.—Fiat dated May 8.

**JAMES GODDARD** and **HOLLAND GODDARD**, Market Harborough, Leicestershire, bankers, May 24 and July 3 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Douglass, Market Harborough; Austen & Hobson, Gray's-inn.—Fiat dated April 25.

**WILLIAM LEDBURY**, Hagley, Worcestershire, and Coalbournbrook, Amblecoat, Staffordshire, coal merchant, May 22 at half-past 11, and June 22 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Collis, Stourbridge, Worcester.—Fiat dated May 8.

**THOMAS FISHER**, Selby, Yorkshire, linen draper, May 24 and June 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Blanchard & Co., York.—Fiat dated May 1.

**JOHN GALLOP**, jun., Bedminster, Bristol, painter and glazier, May 25 at 1, and June 26 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Shallock & Cracknells, Bristol; Medina, Thavies-inn.—Fiat dated May 3.

**WILLIAM NORTH**, Theatre Tavern, Bath, Somersetshire, innkeeper, May 30 at 12, and June 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Gunning & Gill, Bath.—Fiat dated May 5.

**JOHN WESLEY MAY**, Bristol, baker, corn and flour factor, May 26 at 1, and June 23 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Colthurst, Bristol; Poole & Gamlen, Gray's-inn.—Fiat dated May 2.

**WILLIAM BUTLER**, Hall's-farm, Bradford, Wiltshire, victualler, May 26 and June 23 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Bush & Son, Bradford.—Fiat dated April 23.

**HENRY THOMPSON**, Bristol, saddler and harness maker, May 23 at 12, and June 22 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Hinton, Bristol; Hicks & Brakenbridge, 166, Bartlett's-buildings.—Fiat dated May 5.

#### MEETINGS.

*J. Foulerton*, Upper Bedford-place, Middlesex, merchant, May 24 at 11, Court of Bankruptcy, London, pr. d.—*John Hutton*, Ringwood, Southampton, draper, May 20 at 11, Court of Bankruptcy, London, last ex.—*Thos. Edw. Rowley*, Oxford-st., draper, June 2 at 12, Court of Bankruptcy, London, aud. ac.—*P. D. Stewart*, North-bank, St. John's-wood, Middlesex, and Prince Edward's Island, New Brunswick, North America, merchant, June 2 at 1, Court of Bankruptcy, London, aud. ac.—*Thos. Saunders*, Northampton, linen draper, June 6 at half-past 12, Court of Bankruptcy, London, aud. ac.—*John Robt. Berry*, Cambridge, wine merchant, June 6 at 12, Court of Bankruptcy, London, aud. ac.—*T. Hughes*, Great Coram-street, Brunswick-square, lodging-house keeper, June 6 at 1, Court of Bankruptcy, London, aud. ac.—*Rich. Payne*, Hatton-wall, Hatton-garden, brass founder, June 3 at 12, Court of Bankruptcy, London, aud. ac.—*George Whitehead*, Fleet-street, London, printer, and Boyle-st., Burlington-gardens, scrivener, May 26 at 11, Court of Bankruptcy, London, aud. ac.—*John Emson*, jun., Sawbridgeworth, Hertfordshire, veterinary surgeon, June 3 at half-past 11, Court of Bankruptcy, London, aud. ac.—*J. H. Allen*, Port Cawl, Newton Nottage, Glamorganshire, timber merchant, June 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.; June 9 at 11, div.—*Henry Yeatman*, Leachlade, Gloucestershire, chemist, June 2 at half-past 2, District Court of Bankruptcy, Bristol, aud. ac.; at 3, div.—*James Duffield*, Tewkesbury, Gloucestershire, druggist, June 9 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*Francis Sandon*, Rugeley, Staffordshire, cabinet maker, June 8 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Benjamin Price*, Birmingham, general dealer, June 8 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; June 10 at half-past 12, div.—*Thomas Johnson*, Liverpool, stationer, June 6 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*James Robertson*, Liverpool, merchant, June 2 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*George Swires*, Birstall, Yorkshire, merchant, June 8 at 1, District Court of Bankruptcy, Leeds, aud. ac.; June 10 at 1, div.—*Charles D. Bowers*, Cannon-street, London, comb maker, June 2 at 3, Court of Bankruptcy, London, div.—*W. Smith*, Curtain-road, near Worship-street, timber merchant, June 2 at half-past 2, Court of Bankruptcy, London, div.—*Wm. H. Woodall*, Bishopgate-street Without, woollen draper, June 3 at 1, Court of Bankruptcy, London, div.—*Fras. Jas. Osbaldeston*, St. Alban's, Hertfordshire, dealer in horses, June 2 at 2, Court of Bankruptcy, London, div.—*Saml. Mead* and *Wm. Mead*, Liverpool, iron merchants, June 6 at 12, District Court of Bankruptcy, Liverpool, div.—*T. B. Golborne* and *A. A. Dobbs*, Liverpool, wine merchants, June 9 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Wm. Pye*, Old Brompton, Middlesex, and Barnes, Surrey, builder, June 6 at half-past 11, Court of Bankruptcy, London.—*P. D. Stewart*, North-bank, St. John's-wood, Middlesex, and Prince Edward's Island, New Brunswick, North America, merchant, June 2 at 1, Court of Bankruptcy, London.—*W. Hopkins*, Farringdon-street, London, butcher, July 22 at 12, Court of Bankruptcy, London.—*Chas. Harrison*, Red Lion-st., Holborn, licensed victualler, July 15 at half-past 11, Court of Bankruptcy, London.—*Thomas Brownlow*, jun., Marton, Lincolnshire, maltster, June 6 at 11, District Court of Bankruptcy, Leeds.—*James Duffield*, Tewkesbury, Gloucestershire, druggist, June 9 at 2, District Court of Bankruptcy, Bristol.—*James Meadows*, Wavertree, near Liverpool, miller, June 2 at 11, District Court of Bankruptcy, Liverpool.—*John Aldersey*, jun., Liverpool, broker, June 6 at 1, District Court of Bankruptcy, Liverpool.—*John Wood*, Beavale, Greasley, Nottinghamshire, miller, June 6 at 1, District Court of Bankruptcy, Leeds.—*Joseph Pym*, jun., June 9 at 11, District Court of Bankruptcy, Birmingham.—*Edmund Wheeler*, Birmingham, corn dealer, June 8 at 12, District Court of Bankruptcy, Birmingham.—*Saml. Teague*, Birmingham, builder,

June 8 at 12, District Court of Bankruptcy, Birmingham.—*John Liggins*, Hinckley, Leicestershire, hosier, June 3 at 12, District Court of Bankruptcy, Birmingham.—*John Anderson*, Aigburgh, Lancashire, plumber, June 7 at 12, District Court of Bankruptcy, Liverpool.—*J. Richmond*, Manchester, farm agent, June 14 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 2.*

*Robert Elliot*, Sheffield, Yorkshire, merchant.—*Jos. Orbell*, jun., Walsingham-place, Lambeth, Surrey, flour dealer.—*John McLean*, Liverpool, merchant.—*Jos. Ankrett*, Walsall, Staffordshire, grocer.—*Abraham Vickers*, Manchester, ironmonger.—*John Martin*, Tonbridge Wells, Kent, builder.—*Ed. Mansell*, Chippenham, Wiltshire, upholsterer.—*James Bisshopp*, Westburton, Bury, Sussex, market gardener.—*W. Barnes*, St. Paul's Church-yard, milliner.—*John H. Curtis*, Soho-square, bookseller.

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*John Ireson*, Vine-st., Millbank, Westminster, stone-mason.  
*Geo. Loggan*, Lewisham, Kent, clerk to a solicitor.  
*Abraham Taylor*, Leeds, Yorkshire, cloth merchant.  
*James Harvey*, Hyde, Cheshire, carrier.  
*Mary Neale*, widow, Walton-on-the-Hill, Lancashire, licensed victualler.  
*David Davies*, Rhuabon, Denbighshire, surgeon.  
*Wm. Walker*, Thornton, Yorkshire, farmer.  
*Charles Lister*, Stanshope-street, Mornington-crescent, Saint Pancras, out of business.  
*Wm. Jay*, Tipton, Staffordshire, engine turner.  
*Adam Preston*, North-place, Green-street, Bethnal-green, out of business.  
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*Joseph Brook*, High-street, Portland-town, St. Marylebone, baker.  
*Linn Ratsey*, Northwood, West Cowes, Isle of Wight, licensed victualler.  
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*James Hibbert*, Dronfield, Derbyshire, cordwainer.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 2 at 9.*

*Adolph. Heilbut*, Cooper's-row, Tower-hill, dealer in watches.—*Ed. Carpenter*, Moor-street, Seven-dials, umbrella maker.—*Jas. H. Muston*, Princes-st., Brick-lane, Spitalfields, clerk to feather merchants.—*John D. Gribble*, Paulin-street, Little George-street, Bermondsey, Surrey, carrier.—*Joseph Edgar*, Rahere-street, Clerkenwell, out of business.—*William Cragg*, John-street, Wilmington-square, clerk to East India agents.—*Mary Ann Forwood*, widow, Bouverie-street, Fleet-street, out of business.—*Edward Wm. Cocks*, Tudor-street, Bridge-street, Blackfriars, ornamental painter.—*J. Kendrick*, Archery-place, Pond-place, Chelsea, painter.—*Wm. Fitzroy Scudamore*, Albany-street, Regent's-park, dealer in horses.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thos. Easterbrook*, West Exe, Tiverton, Devonshire, innkeeper: 2s. 4d. in the pound.—*Jas. Thomas*, Westbury-upon-Trym, Gloucestershire, lieutenant in the army: 3s. 4d. in the pound.—*Henry Knill*, Eldon-place, Grange-road, Bermondsey, Surrey, assistant cooper to an orange broker: 3s. 0½d. in the pound.—*Francis Butler*, York, farmer: 1s. 11d. in the pound.



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No. 332.

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LONDON, MAY 20, 1843.

When the Bill for regulating the practice of the County Courts was under the consideration of the Legislature during last session, we examined its provisions at some length. It passed, it will be remembered, through the House of Lords, and was afterwards withdrawn on account of the session being so near its close. As the measure which has been brought forward in the present year is of a similar character, it would be superfluous again to examine it; but we return to the subject for the purpose of laying before our readers a plan for the establishment of Local Courts, of a different nature from any that has yet been before Parliament. For the means of doing this we are indebted to an unpublished pamphlet, intitled "Remarks on the Bills for establishing Local Courts in England," of which we have been favoured with a copy; and we gladly avail ourselves of the opportunity of making it known to our readers. The first part contains a sketch of the various measures for the establishment of Local Courts that have been proposed since the year 1827, when Lord Althorp brought forward a bill for that purpose in the House of Commons. But with this we will not at present deal; we shall probably notice it on a future occasion; and we proceed at once to the plan itself, which may be briefly stated to be a modification of the institution, well known in Ireland as "The Court of Assistant Barrister." But however much this tribunal may be known in its own country, it is but little known in this; and as the authors of the pamphlet observe, a short outline of its origin and gradual increase of jurisdiction may be useful.

In the year 1797 the Irish Legislature passed an act to enable the Lord Lieutenant, with the advice of the Privy Council, to divide into two districts any counties which he should think proper. It was enacted, that, in counties so divided, general sessions of the peace

should be holden eight times in the year at least, and that a barrister of six years' standing (not being a Member of Parliament) should be appointed to act as an assistant to the justices constituting the court, with a salary of 400*l.* a year. The Assistant Barrister was constituted *virtute officii* a magistrate of the county to which he was appointed; but it was left for the magistrates to appoint him chairman of the court of quarter sessions or not, at their option. In 1798 this act was extended to all the counties in Ireland, except Dublin; its application to any county having previously been in the discretion of the Lord Lieutenant. It had immediately after its passing been applied to several counties which were in a state of insubordination. It will be observed, that it was left to the magistrates to decide whether the Assistant Barrister should be chairman of the court of quarter sessions; but the instances are few in which he has not been chosen; and this is regarded as a proof of the general satisfaction which the institution has afforded. In criminal cases, therefore, the Assistant Barrister has an equal jurisdiction with the other justices; in civil cases, his jurisdiction is distinct and independent.

The statute 2 Geo. 1, c. 11, adopting permanently the provisions of an act temporarily passed in the reign of Anne, empowered the judges of assize in Ireland to hear and determine in a summary way by an English bill, or paper petition in English, (the pleadings of the superior courts being then in Latin), all disputes and differences between party and party, in which the sum in question did not exceed 10*l.* in actions of debt and assumpsit, and 5*l.* in actions of tort, excepting cases involving inquiry into the title to lands. By a subsequent statute it was extended to actions of debt on any bond, bill, or specialty, and to actions on promissory notes and inland bills of exchange to the sum of 20*l.* The act of 1796 already noticed, committed to the Assistant Barrister the exclusive jurisdiction of causes by civil bill

process. Important alterations have since been made in this jurisdiction, and its present extent may be seen by the following table; which, as the pamphlet states, is extracted from Napier's Book of Practice:—

TABLE OF JURISDICTION.	Not exceeding
1. Arrears of annuity charged upon or payable out of real estate .....	£20
2. All actions on the case, except criminal conversation and libels, damages .....	10
3. Assumpsit (except on breach of promise of marriage) .....	20
4. Covenant (except where penal) .....	20
5. Damages against bailiffs of the court, and their sureties, for negligence .....	50
6. Debt on bond, bill, or specialty; and for rent on leases or contracts in writing .....	20
7. Detinue .....	20
8. Ejectment by landlord against tenant:	
1st. When the tenant being in arrear half a year's rent shall desert the premises, leaving no sufficient distress. (No limitation as to amount of rent).	
2nd. When the tenant is in arrear one whole year's rent; rent .....	50
3rd. The tenant holding over demised premises; rent .....	50
9. Legacies charged upon and payable out of real estates .....	20
10. Legacies payable out of personal estate, where the assets do not exceed .....	200
11. Monitions. (No limitation).	
12. Penalties by statutes passed since 36 Geo. 3, c. 25 ..	20
13. Replevin between landlord and tenant, when rent distrained for .....	50
14. Replevin bonds in such proceeding. (No limitation).	
15. Tithes composition or rent-charge .....	20
16. Trespass de bonis asportatis .....	20
17. Trover .....	20

"The jurisdiction for adjusting disputes about the possession of lands, tenements, and hereditaments, is given, "Where they are held under any grant, lease, or instrument, in which the rent shall not exceed 20*l*. and the fine paid at the granting or execution 50*l*.

"And where the term or interest as originally thereby created, did not exceed three lives without provision for renewal, or sixty-one years, determinable on three lives, or absolute. Both plaintiff and defendant must, however, claim the same interest, or rather claim under the same lease or instrument; and where one party claims under a title paramount, the assistant barrister has no jurisdiction.

"Where the single value of goods fraudulently removed to avoid a distress does not exceed 20*l*., the landlord may recover the penalty given by statute. A jurisdiction is also given in a few other cases by the Grand Jury and Post-office Acts."

"It is not compulsory on a plaintiff to sue by civil bill, in cases in which the Assistant Barrister has jurisdiction, but cheapness and general convenience cause this process to be resorted to, and the Superior Courts will at all times interfere to prevent the power of resorting to the higher tribunal being used for vexatious or improper purposes."

Our space will not admit of giving any account of the proceedings of the court; but they are simple and well adapted to their object.

Having thus made our readers acquainted with an institution which has existed in Ireland for half a century, we will briefly notice the reasons suggested in the pamphlet before us for adopting some modification of it in this country. The history, indeed, of the institution itself, affords a strong reason. We have seen that

it combines a criminal tribunal more efficient and satisfactory than what the ordinary Courts of Quarter Sessions afford, with a remedy for civil injuries more speedy and less expensive than can be had in the Superior Courts; and the Report of the Commissioners of Inquiry made in 1838 bears testimony to its perfect efficiency. That in the Courts of Quarter Sessions as at present constituted, the law is, upon the whole, well and fairly administered, we do not deny. The gentlemen who fill the chair if they have not, as is often the case, had a legal education, evince an honourable anxiety to make themselves acquainted with the laws they are to administer. But none we think will question the advantage of having on the bench a magistrate conversant with the law and with the recent decisions of the courts. It is sufficient to allude to the task which non-professional magistrates must of late have had in following the Court of Queen's Bench through its various decisions relative to notices of appeal and examination upon orders of removal. But great difficulty is not felt in finding magistrates who are competent and willing to act as chairmen. The length of the sessions in large counties, and their frequent recurrence, make the office a very irksome one; and there are many instances in which chairmen, who have long filled it, continue to do so only because fit successors cannot be found. It is expected therefore that the magistracy will be favourable to a measure which gives them the power of availing themselves in appeals and criminal cases, of the professional knowledge of a barrister, without interfering with their right to elect their chairman.

In his civil capacity the Assistant Barrister will act alone, and it is proposed that he should hold a court for the recovery of small debts, and the execution of writs of trial and inquiry sent down from the superior courts. The present mode of executing these is, we believe, frequently and justly complained of; and the Assistant Barrister's Court, whether we regard the presiding officer, the place of trial, or the manner of conducting the proceedings, would be a much more satisfactory tribunal than the present Sheriffs' Courts, for the most part, prove themselves. It is proposed that the Civil Court shall be held at the same periods as the Court of Quarter Sessions, which would secure to it the presence of a competent bar, and the certainty of an adequate supply of respectable jurors. The number of Assistant Barristers which would be required, allowing two for the West Riding of Yorkshire, and two for Lancashire and uniting some of the smaller counties, is calculated at thirty-seven, and the remuneration at from 100 to 150 guineas for each session. If the number of sessions were not increased, it is supposed that the private practice of the person filling the office would not be materially interfered with, and that many men of superior qualifications might be induced to take it. This we find is the case with the recorderships of boroughs and the new offices will confer a not less honourable distinction upon their possessors. But if the times of holding the courts are increased, the salary must be augmented, and indeed, be sufficiently large to induce men to abandon all other prospects in their profession.

We have thus brought under the notice of our readers the plan proposed by the authors of this pamphlet, and we cannot conclude better than in its own

words:—"The good that may be expected from this measure will be an increased efficiency in the criminal jurisdiction of the Court of Quarter Sessions, a speedy process for the recovery of debts and trial of small causes, and the improvement of institutions with which the people of this country are familiar, unaccompanied with those mischievous consequences which may be expected to result from the establishment of local tribunals."

**ERRATA.**—In the article "On the Forms of Assurance by Tenants in Tail and Married Woman," ante, p. 128, line 17 of the second paragraph, *involvement* is misprinted for *acknowledgment*. We are indebted for this correction to a correspondent, whose communication has but just reached us. In the note to the first page of our last number, the word *clephant* was misprinted for *cogent*.

## Imperial Parliament.

### HOUSE OF LORDS.

Thursday, May 1.

The Lord Chancellor said, in answer to a question put by a Noble Lord, that the Judges would attend on Thursday, the 25th, to declare the law with respect to cases of murder by insane persons.

The Queen's Bench Offices Bill was read a second time, and ordered to be committed on Monday.

The Registration of Voters Bill was read a third time.

## Court Papers.

### CAUSE LISTS.—TRINITY TERM, 6 VICT.

#### Court of Common Pleas.

##### ENLARGED RULES.

To 3rd Day.	To 10th Day.
Doorman v. Pratt	Hendricks v. Lang
Same v. Same	To 12th Day.
Same v. Pirie	Thompson v. Thomas
Same v. Nairne	Until Rule disposed of.
Allien v. Doorman	May v. Taylor
To 6th Day.	Generally.
Candwell v. Parker	Johnson v. Shaw
Warry v. Phelps	

### NEW TRIALS.

MICHAELMAS TERM, 1842.	Newton v. Rowe
Lackington v. M'Lachlan	Cole v. Greene
EASTER TERM, 1843.	Doe d. Bacon v. Brydges
M'Combie v. Anton	May v. Taylor
Barrett v. Lynch	Courtney v. Taylor
Fin v. Reid	Pritchard v. Hitchcock
Clark v. Dent	Curling v. Mills
Barker v. Birch	Stone v. Dunlop
Bird v. Bass	Stockley v. Wray
Wilson v. Tummon	Potto v. Potto
Grinnell v. Wells	Holloway v. Hare
	Tapfield v. Hillman

### DEMURRER PAPER.

Wednesday, May 31.

Brockbank v. Anderson

\* The other Special Argument Days are—Friday, the 2nd, Wednesday, the 7th, and Friday, the 9th June.

### CUR. ADV. VULT.

Harrison v. Heathorne	Turnley v. Macgregor
Same v. Same	Lindon v. Sharp
Same v. Same	

## Court of Exchequer.

### SITTINGS—TRINITY TERM, 1843.

	Banc.	Nisi Prius.
Thursday... May 25	.....	.....
Friday..... 26	Peremptory paper	Midd. 1st sitting.
Saturday..... 27	.....	.....
Monday..... 29	.....	.....
Tuesday..... 30	.....	.....
Wednesday.... 31	Special paper	London 1st sitting.
Thursday... June 1	Circuits chosen	.....
Friday..... 2	.....	Midd. 2nd sitting.
Saturday..... 3	Crown cases	.....
Monday..... 5	Special paper	.....
Tuesday..... 6	Errors	.....
Wednesday.... 7	Special paper	.....
Thursday..... 8	.....	.....
Friday..... 9	.....	London 2nd sitting.
Saturday..... 10	.....	Ditto by adjournment.
Monday..... 12	.....	Midd. 3rd sitting.
Tuesday..... 13	.....	.....
Wednesday.... 14	.....	.....
Thursday..... 15	.....	.....

### NEW TRIALS.

#### STANDING FOR JUDGMENT.

Moved Trinity Term, 1842.

Davidson v. Cooper & an.

#### FOR ARGUMENT.

Moved Easter Term, 1843.

Mason v. Bradley  
Same v. Same  
Stevenson v. Bowman  
Morgan v. Myrnes  
Ord v. Maskers & ora.  
Earl of Harborough v. Kendall  
Smith v. Storey  
Saxty v. Wilkin  
Newton v. Harris  
Doe d. Earl Spencer v. Bur-  
chall  
Edwards v. Sherwin  
Doe d. Clayton v. Williams

Doe d. Davenport v. Rhodes  
Lovell v. Boyd & an.  
Batcliffe v. Watts  
Berwick v. Chapman  
Edwards v. Buckland  
Edwards v. Davies & ora.  
Barker v. Olivier  
Burton v. Griffiths & an.  
Findon v. Parker  
Nodding v. Cox  
Sellick v. Treven & an.

Moved after the 4th day of  
Easter Term, 1843.

Harvey v. Peacock & ora.  
Same v. Same & ora.  
Bolton v. Northwood  
Kington v. Kington  
Elsey v. Barton

### SPECIAL PAPER.

Remanets from Easter Term, 1843.

#### STANDING FOR JUDGMENT.

Catherwood v. Caslon  
The General Steam Navigation  
Company v. Guillon  
Mallan v. May  
Doe d. The Governor of Queen  
Elizabeth's Hospital, Bris-  
tol, & ora. v. Norton

#### FOR ARGUMENT.

Bishop of Exeter v. Hawkins  
& ora.  
Bain & an. v. Tollemache

Cheston & ora. v. Gibbs & an.  
Taylor v. Ashton & ora.  
Feasting v. Allan  
Same v. Johnston  
Smith v. Beeman & an.  
Forbes v. Peacock  
Edwards v. Baugh  
Stringer v. Gemmell  
Belcher v. Magnay  
Thompson v. Ld. Southampton  
Sturge v. Thomson  
Davies v. Jenkins  
Walker v. Meacock

### PEREMPTORY PAPER.

Friday, May 20, 1843, to be  
taken at the Sitting of the  
Court.

Jones v. Williams  
Smith v. Green  
Smith v. Bond  
Clarke v. Jackson  
Morley & an. v. White  
Corrick v. Bennett  
Price v. Rees  
Jones v. Thomas  
Jones v. Poulson

Waddle & an. v. Pocock & ora.  
Armstrong v. Preston Railway  
and Dock Company  
Hodgson v. Warden  
Ellersham v. Terry & an.  
Magniac & ora. v. Hull Dock  
Company  
Purdy v. Egmore  
Jones v. Poulson  
Dutton v. Bailey  
Todd v. Emly  
Phillips v. Visct. Canterbury

**EQUITY SITTINGS, TRINITY TERM, 1843.****Court of Chancery.***Before the LORD CHANCELLOR, at Westminster.*

Thursday .. May 25	Appeal Motions.
Friday .....	Petition Day.
Saturday .....	} Appeals.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday.... June 1	Appeal Motions.
Friday .....	} Appeals.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Appeal Motions.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Appeals.
Tuesday .....	
Wednesday .....	
Thursday .....	

Such days as his Lordship is occupied in the House of Lords excepted.

**Rolls Court.***Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Thursday .. May 25	Motions.
Friday .....	Petitions in General Paper.
Saturday .....	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday.... June 1	Motions.
Friday .....	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Motions.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Tuesday .....	
Wednesday .....	
Thursday .....	

*At the Rolls.*

Friday .....	16 { Short Causes after swearing in the Solicitors.
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Short Causes, Consent Causes, and Consent Petitions, every Tuesday, at the Sitting of the Court.

**Vice-Chancellors' Courts.****SITTINGS BEFORE TRINITY TERM.***Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Tuesday.... May 23	} Causes.
Wednesday .....	

**TRINITY TERM.—At Westminster.**

Thursday .. May 25	Motions.
Friday .....	(Petition Day).—Unopposed Petitions and Short Causes, previous to the General List of Petitions.
Saturday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday.... June 1	Motions.
Friday .....	} Unopposed Petitions, Short Causes, and General Paper.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Motions.
Tuesday .....	
Wednesday .....	
Thursday .....	
Friday .....	} Unopposed Petitions, Short Causes, and General Paper.
Saturday .....	
Monday .....	
Tuesday .....	

Saturday .....	10	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	12	
Tuesday .....	13	
Wednesday .....	14	
Thursday .....	15	Motions.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Westminster*

Thursday .. May 25	Motions and Causes.
Friday .....	(Petition Day).—Petitions and Causes
Saturday .....	} Unopposed Petitions, Short Causes and Causes.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday.... June 1	Bankrupt Petitions and Motions in Bankruptcy.
Friday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Bankrupt Petitions and Motions in Bankruptcy.
Thursday.... June 1	
Friday .....	
Saturday .....	
Monday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	
Wednesday .....	
Thursday .....	
Friday .....	} Unopposed Petitions, Short Causes, and Ditto.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Bankrupt Petitions and Motions in Bankruptcy.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	
Wednesday .....	
Thursday .....	

*Before VICE-CHANCELLOR WIGRAM, at Westminster.*

Thursday .. May 25	Motions and Causes.
Friday .....	(Petition Day).—Petitions and Causes
Saturday .....	} Unopposed Petitions, Short Causes and Ditto.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday.... June 1	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	} Motions and Ditto.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Unopposed Petitions, Short Causes, and Ditto.
Tuesday .....	
Wednesday .....	
Thursday .....	
Friday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	
Monday .....	
Tuesday .....	
Wednesday .....	} Unopposed Petitions, Short Causes, and Ditto.
Thursday .....	
Friday .....	
Saturday .....	
Monday .....	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	
Wednesday .....	
Thursday .....	

**COMMON-LAW SITTINGS, TRINITY TERM.****Court of Queen's Bench.***In Term.*

MIDDLESEX.	LONDON.
1st sitting, Friday .. May 26	
By adjournment until	
2nd sitting, Wednesday .. 31	
By adjournment until all	
the lists are tried.	
Undefended.	
3rd sitting, Tuesday, June 13	Wednesday .....
(Sit at half-past 9 o'clock)	June 1



*After Term.*

Friday..... June 16 | Saturday..... June 17  
(To adjourn only).

The court will sit at eleven o'clock in term in Middlesex, except the last sitting; at twelve in London; and in both at half-past nine after term.

By Order.—No cause of tres.—tres. on the case—or replevin or feigned issues will be inserted in the daily lists for the sittings in term, but will be postponed from the 26th and 31st May, to the 16th June.

Short defended as well as undefended causes, entered for the sitting on June 14th, will be tried on that day, if the plaintiffs wish it, unless there be a satisfactory affidavit of merits.

Causes standing over with judgment of the term in Middlesex, will be taken on the 16th June if the writs are resealed.

Plaintiffs' Attornies are requested to apply in court when the last cause is called on, on the 30th May, for their record and writs, in order to reseat the writs and see that the dates are right for the second sittings, which begin on the 31st May.

**Court of Common Pleas.***In Term.***MIDDLESEX.****LONDON.**

Wednesday..... May 31 | Friday..... June 2  
Wednesday..... June 7 | Friday..... June 9

*After Term.*

Friday..... June 16 | Saturday..... June 17

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Saturday, the 17th June, in London, no causes will be tried, but the court will adjourn to a future day.

**London Gazettes.****TUESDAY, MAY 16.****INSOLVENT.**

SAMUEL RUGG, Southampton, builder.

**BANKRUPTS.**

VICTOR JAY, Castle-lane, Southwark-bridge-road, Surrey, silk-hat manufacturer, May 25 at 1, and June 28 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Herwood & Griffin, 27, Austin-frirs.—Fiat dated May 15.

THOMAS JOSEPH CLARK, Billingsgate, London, victualler and fish salesman, May 30 at half-past 11, and June 27 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lang & Harvey, 107, Fenchurch-street.—Fiat dated May 15.

EDWARD PARFREY, Swaffham, Norfolk, miller and flour dealer, May 24 at 11, and June 20 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Morris, Swaffham; Dufaur, 23, Queen Anne-street, Cavendish-square.—Fiat dated May 2.

JOHN POOL, Morice-town, near Devonport, Stoke Damerel, Devonshire, brewer and innkeeper, May 31 at 1, and June 28 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Little, Devonport; Sole, 68, Aldermanbury.—Fiat dated May 2.

TRISTRAM THOMAS SQUIER, Exeter, brush maker, May 22 and June 28 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Moore, Exeter; Turner, Bedford-row.—Fiat dated May 12.

JAMES ALLISON, Newcastle-upon-Tyne, grocer, flour and provision dealer, May 26 at 11, and July 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Crompton, 3, Church-court, Old Jewry.—Fiat dated May 11.

WILLIAM JONES, Llanrwst, Denbighshire, druggist, June 1 at 12, and June 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Griffiths, Llanrwst, Denbighshire; Gregory & Co., Bedford-row, London.—Fiat dated May 9.

**MEETINGS.**

Edw. Perkins, Bishopgate-street Without, corn dealer, May 25 at 12, Court of Bankruptcy, London, last ex.—*W. Asletti*, Bitterne, South Stoneham, Southampton, grocer, May 23 at 11, Court of Bankruptcy, London, last ex.—*Chas. Cross* and *B. Spaul*, Colchester, Essex, merchants, June 6 at 12, Court of Bankruptcy, London, last ex.—*John Wilekin*, Reading, Berkshire, draper, May 23 at 11, Court of Bankruptcy, London, last ex.—*Alexander Fraser*, Trelick-terrace, St. George, Hanover-square, lodging-house keeper, May 26 at 1, Court of Bankruptcy, London, last ex.—*Jas. P. Davis*, Bromley, Kent, innkeeper, May 26 at 12, Court of Bankruptcy, London, last ex.—*Dan. Baseley*, High-street, Southwark, and Surrey-pl., Old Kent-road, cheesemonger, May 26 at 1, Court of Bankruptcy, London, last ex.—*Thomas Pearson*, Liverpool-road, Islington, builder, May 23 at 11, Court of Bankruptcy, London, last ex.—*G. F. Cobham* and *Wm. B. Wright*, Camden-place, Peckham, Surrey, and Gravesend, Kent, builders, May 23 at 2, Court of Bankruptcy, London, last ex.—*Edward De Carle*, Norwich, stone mason, May 25 at 11, Court of Bankruptcy, London, last ex.—*John Whitaker*, New Church, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, May 19 at half-past 12, District Court of Bankruptcy, Manchester, last ex.—*H. Hilton*, Over Darwen, Lancashire, bleacher and finisher, July 11 at 11, District Court of Bankruptcy, Manchester, last ex.—*John Henry Fuller*, Flinton, Lancashire, logwood grinder, and Manchester, fustian manufacturer, June 21 at 1, District Court of Bankruptcy, Manchester, last ex.—*Wm. Bury*, Blackburn, Lancashire, grocer, May 29 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Cartwright*, Heaton Norris, Lancashire, banker, May 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Hugh Parker*, *Offey Shore*, *John Brewin*, and *John Rodgers*, Sheffield, Yorkshire, bankers, July 10 at 11, District Court of Bankruptcy, Leeds, last ex.—*T. Fletcher*, Loscoe, Derbyshire, grocer, May 27 at half-past 12, District Court of Bankruptcy, Birmingham, last ex.—*Edwin Miles*, Bridge-house-place, Newington-causeway, Surrey, saddlers' ironmonger, June 9 at 12, Court of Bankruptcy, London, and ac.—*G. Clark*, Crawford-st., Bryanstone-sq., shoe maker, June 8 at half-past 12, Court of Bankruptcy, London, and ac.—*Joseph Cooke*, New-street, Dorset-square, upholsterer, June 8 at 12, Court of Bankruptcy, London, and ac.—*Edwd. Tribe*, Bedford-street, Bedford-square, money scrivener, June 10 at 12, Court of Bankruptcy, London, and ac.—*Rob. Russell*, Kingston-upon-Thames, Surrey, upholsterer, June 10 at 2, Court of Bankruptcy, London, and ac.—*John Van*, Little Britain, London, gold-lace manufacturer, June 10 at 1, Court of Bankruptcy, London, and ac.—*Thos. Reynolds*, jun., Great St. Helen's, Bishopgate-street, London, merchant, June 10 at half-past 11, Court of Bankruptcy, London, and ac.—*Geo. Greatley*, Hatton-garden, jeweller, June 7 at 11, Court of Bankruptcy, London, and ac.—*David Lawson*, Marylebone-street, Piccadilly, woollen draper, June 7 at 3, Court of Bankruptcy, London, and ac.—*Thos. Lunt*, Chester and Woodside, Cheshire, builder, June 12 at 12, District Court of Bankruptcy, Liverpool, and ac.; June 13 at 11, div.—*David Marsden*, Tredegar, Monmouthshire, linen draper, June 14 at 12, District Court of Bankruptcy, Bristol, and ac.; at 1, div.—*David Storm*, Cardiff, Glamorganshire, builder, June 16 at 11, District Court of Bankruptcy, Bristol, and ac.—*Henry Lewis*, Llandovery, Carmarthenshire, draper, June 13 at 12, District Court of Bankruptcy, Bristol, and ac.; June 14 at 11, div.—*Jonathan Nash* and *Robert Lucas Nash*, Bristol, brewers, June 16 at 1, District Court of Bankruptcy, Bristol, and ac.; June 20 at 1, div.—*Wm. Foster Geach*, Pontypool, Monmouthshire, corn merchant, June 14 at 1, District Court of Bankruptcy, Bristol, and ac.—*Wm. Perkins*, St. Wollos, Monmouthshire, ship builder, June 20 at 11, District Court of Bankruptcy, Bristol, and ac.—*Edmund Henry Waller* and *Wm. Waters*, Chepstow, Monmouthshire, timber merchants, June 13 at 2, District Court of Bankruptcy, Bristol, and ac.—*Jesse Tams*, Shelton, Staffordshire, earthenware manufacturer, June 9 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.—*Dan. Greatbach*, jun., Newcastle-under-Lyme, Staffordshire, cabinet maker, June 16 at half-past 1, District Court of Bankruptcy, Birmingham, and ac.—*John Antrobus*, Birmingham, plater, June 9 at 1, District Court of Bankruptcy, Birmingham, and ac.—*Alexander Clugston* and *Chas. Pearce Chapman*, Paul's-wharf, Thames-st., London, merchants, June 9 at 2, Court of Bankruptcy,



London, div.—*Thos. Ed. Rowley*, Oxford-street, draper, June 9 at half-past 1, Court of Bankruptcy, London, div.—*Mary Evans*, *John Evans*, and *Thos. H. Evans*, Old-street-road, paper-stainers, June 9 at 11, Court of Bankruptcy, London, div.—*John B. Inglis* and *Jas. Inglis*, Mark-lane, merchants, June 8 at 12, Court of Bankruptcy, London, div.—*Henry Baker*, Mark-lane, merchant, June 8 at 12, Court of Bankruptcy, London, div.—*Caleb Robinson*, High Holborn, tailor, June 8 at 11, Court of Bankruptcy, London, div.—*James Fowens*, Ludgate-hill, grocer, June 8 at half-past 11, Court of Bankruptcy, London, div.—*James Fisher* and *Wm. Milner*, Norwich, drapers, June 6 at 12, Court of Bankruptcy, London, fin. div. sep. est. *Jas. Fisher*.—*Rich. Ferris*, Bristol, and *Jas. Hen. Butler* and *John Butler*, Liverpool, merchants, June 8 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac. and div.—*Henry Clapham*, Liverpool, woollen-draper, June 23 at 12, District Court of Bankruptcy, Liverpool, div.—*Sam. Sedgley*, Dudley, Worcestershire, grocer, June 9 at half-past 1, District Court of Bankruptcy, Birmingham, div.—*Charles Homer*, sen., Dudley, Worcestershire, wine merchant, June 21 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Esra Harle*, St. John-street-road, chemist, June 9 at half-past 2, Court of Bankruptcy, London.—*Wm. Geo. Docking*, Hampstead-road, cheesemonger, June 9 at half-past 11, Court of Bankruptcy, London.—*Edwin Miles*, Bridge-house-place, Newington-causeway, Surrey, saddlers' ironmonger, June 9 at 12, Court of Bankruptcy, London.—*Robert Gatenby*, High-street, Shadwell, grocer, June 8 at 2, Court of Bankruptcy, London.—*Samuel Garlley*, Golden-lane, St. Luke's, licensed victualler, June 8 at 1, Court of Bankruptcy, London.—*Wm. Burton*, Cambridge, draper, June 8 at half-past 2, Court of Bankruptcy, London.—*Thomas Smith*, Southampton-street, Strand, wine-merchant, June 8 at half-past 2, Court of Bankruptcy, London.—*H. Blackman*, Cranbrook, Kent, grocer, June 8 at 12, Court of Bankruptcy, London.—*Thomas Hutchins*, Andover, Southampton, common carrier, June 8 at half-past 2, Court of Bankruptcy, London.—*Henry Hughes* and *Wm. Hunter*, St. Leonard's on Sea, Sussex, builders, June 8 at half-past 11, Court of Bankruptcy, London.—*Gregory Seccombe*, Tavistock, Devonshire, and Bude, Cornwall, tailor, June 7 at 12, District Court of Bankruptcy, Exeter.—*Thos. Jones*, Glyn, Llanfihangel y Traethaen, Merionethshire, cattle salesman, June 7 at 11, District Court of Bankruptcy, Liverpool.—*John Watkin Cullis*, Clun, Shropshire, druggist, June 10 at 1, District Court of Bankruptcy, Birmingham.—*Edward Davies*, King's-mills, Wrexham, Denbighshire, corn and flour dealer, June 9 at 1, District Court of Bankruptcy, Liverpool.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 6.*

*Mary Evans*, *John Evans*, and *Thomas H. Evans*, Old-st.-road, paper-stainers.—*Jas. S. Mottram*, Alrewas, Staffordshire, woolstapler.—*Henry Dircks*, Liverpool, engineer.—*G. Cobb*, Nottingham, licensed victualler.—*Wm. Russell*, Kingston-upon-Thames, Surrey, innkeeper.—*George Cole*, Bealey-heath, Kent, grocer.—*Hen. Clarke*, Wolverhampton, Staffordshire, and George-street, Mansion-house, London, lock manufacturer.—*Robert Lucas Nash*, Bristol, brewer.—*Peter Groves* and *N. Beard*, Boston, Lincolnshire, leather-dressers.—*Joseph Smith*, Ossett, near Wakefield, Yorkshire, cotton-spinner.—*Jesse Tams*, Shelton, Staffordshire, earthenware manufacturer.—*Sam. Cheetham* and *Thos. Wadsworth*, Macclesfield, Cheshire, silk throwsters.—*Wm. Newton*, Macclesfield, Cheshire, silk throwster.

#### FIATS ANNULLED.

*Wm. Fuller*, Cliffe, near Lewes, Sussex, currier.—*Robert Stewart*, Grosvenor-wharf, Wilton-road, Fimlao, and Trafalgar-square, Charing-cross, manufacturer of artificial granite.

#### SCOTCH SEQUESTRATIONS.

*Robt. Macnair & Co.*, Glasgow, merchants.—*James Ewart*, Glasgow, merchant.—*Thomas Craig*, Lauriston, Glasgow, coach-builder.—*Thos. Aitken*, Falkirk, writer.—*Jas. Glendinning*, Glasgow, grocer.—*John Morrison & Co.*, Grange, near Alloa, brewers.

#### DECLARATIONS OF INSOLVENCY.

*Demelagh Scott Harrison*, Idle-green, Idle, Calverley, Yorkshire, shopkeeper.  
*Wm. Jones*, Macclesfield, Cheshire, out of business.  
*Thomas Nield*, Thorneley-mill, Bank-bottom, Glossop, Derbyshire, provision shopkeeper.  
*Tamerlane Bowen*, Dorking, Surrey, news agent.  
*Thomas Jones*, Beaufort Iron-works, Llangattock, Breconshire, shopkeeper.  
*Julia M. Harrington*, Portland-st., Poland-st., milliner.  
*Wm. Fairburn*, York, butcher.  
*Joshua Smith*, Wardleworth, Rochdale, Lancashire, musician.  
*Chas. Cary*, Cheltenham, Gloucestershire, out of business.  
*Chas. Brook*, Colne-bridge, Huddersfield, Yorkshire, joiner.  
*James Farrar*, Uncouth-bridge, Butterworth, Rochdale, Lancashire, worsted spinner.  
*John Shivas Mason*, Liverpool, hosier.  
*John Wittey*, Cross-street, York-road, Lambeth, Surrey, atorney's clerk.  
*John Evans*, Cardiff, Glamorganshire, out of business.  
*Samuel Day*, St. Albans, Hertfordshire, trainer of horses.  
*George Philo*, High-street, Poplar, parish clerk.  
*Sarah Gutteridge*, High-town, Luton, Bedfordshire, sewer of straw bonnets.  
*Thomas Midgley*, Crawford-passage, Ray-street, Clerkenwell, cab builder.  
*Henry Redman*, Cumberland-row, Walworth-road, Newington, Surrey, leather cutter.  
*Saml. Scarlett*, Stafford, licensed victualler.  
*Wm. Stephens*, St. George's-circus, Christchurch, Surrey, cigar manufacturer.  
*Thomas Broughton*, Burslem, Staffordshire innkeeper.  
*Jane Armistage*, Batley Carr, Batley, Yorkshire, cloth draser.  
*Luke Greigen*, Batley, Yorkshire, clothier.  
*John Fearnley*, Bradford, Yorkshire, beer seller.  
*Wm. Burnley*, Staincliffe, Batley, Yorkshire, clothier.  
*David Brookbank*, Denholme, Thornton, Bradford, Yorkshire, out of business.  
*J. Astwick*, Middlesbrough, Thornhill, Yorkshire, wheelwright.  
*Thomas Cope*, Milton, Norton in the Moors, Staffordshire, innkeeper.  
*Edward Price*, Whitton, Leintwardine, Herefordshire, out of business.  
*Robert Ford*, Chapel-en-le-Frith, Derbyshire, butcher.  
*Fred. Beever*, Manchester, smallware manufacturer.

#### INSOLVENT DEBTORS.

*Saturday, May 13.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Abraham Breaks*, North Bierley, near Bradford, Yorkshire, worsted-stuff manufacturer, No. 16,012 C.; *T. Haigh*, new assignee, in the room of *Joseph Pearson*, deceased.—*Ambrose Cooper*, Princes-st., Stamford-st., Blackfriars-road, Surrey, coach maker, No. 42,143 T.; *Thos. Vincent*, new assignee, in the room of *Chas. Turner*, removed.—*Nathaniel Webb*, Newport, Monmouthshire, carpenter, No. 62,281 C.; *E. Gwyer*, assignee.—*Benjamin Shelton*, Great Grimsby, Lincolnshire, carpenter, No. 59,247 C.; *Wm. Bennett*, assignee.—*John J. Wineom*, Portsea, Southampton, clerk in her Majesty's Royal Navy, No. 62,341 C.; *David Jones*, assignee.—*Rich. Pitcher*, Clifford's-inn, London, accountant, No. 54,685 T.; *Richard Fallemaach*, assignee.—*Wm. P. Murray*, Queen's Head-court, Windmill-street, Haymarket, carman, No. 54,957 T.; *John Ward*, assignee.—*Wm. Fairman*, Forest-row, near East Grinstead, Sussex, dealer in beer by retail, No. 54,896 T.; *John Langford*, assignee.—*Abraham Myers*, Russell-place, Bow-street, lodging-house keeper, No. 54,962 T.; *John Shenton*, assignee.—*Saml. Teulon*, Greenwich, Kent, auctioneer, No. 54,892 T.; *J. McDonald*, assignee.—*Tobias Solomon*, Pratt-street, Lambeth, Surrey, furniture broker, No. 54,878 T.; *M. Harris*, assignee.—*Alexander Goudge*, Sutton-place, Hackney, pavior, No. 54,814 T.; *James Walton*, assignee.—*James Webster*, High Holborn, tobacconist, No. 54,859 T.; *John Warburg*, assignee.—*Wm. Smith*, Canterbury-place, Walworth, Surrey, broker, No. 54,946 T.; *Richard Youle*, assignee.—*Thomas Wilton*, Crisp-street, Poplar, Middlessex, sail maker, No. 54,865 T.; *John Robertson*, assignee.—*John Dever*, Winchester, Hampshire, tailor, No. 61,957 C.; *Edmund Dudden*, assignee.—*T. Crimes*, jun., Chester, joiner,

No. 62,350 C.; John Warburton, assignee.—*Thos. Hudson*, Liverpool, ship broker, No. 62,127 C.; Nathaniel Weild, assignee.—*J. H. Slatter*, King's-place, Stone's-end, Borough, Surrey, saddler, No. 54,760 T.; Richard Harding, assignee.—*J. B. Holloway*, sen., Church-st., Greenwich, Kent, out of business, No. 54,849 T.; John B. Holloway, jun., assignee.—*G. Phipps*, Enfield-town, Middlesex, saddler, No. 54,929 T.; W. Harker, assignee.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Charles Thuncliffe*, Chorlton-upon-Medlock, at Venables', Manchester: 20s. in the pound.

#### MEETINGS.

*John Wm. Astley*, Easton-grove, Easton-square, gentleman, June 3 at 12, Baltic Coffee-house, Threadneedle-street, London, sp. affairs.—*Joseph Ellis*, Launton, Oxfordshire, farmer, June 2 at 3, King's, Bioceter, sp. affairs.—*Thomas Lard*, Old Jewry, and Angel-court, Throgmorton-st., attorney at law, June 2 at 11, Hudson's, Old Jewry, sp. affairs.

#### FRIDAY, MAY 19.

##### INSOLVENTS.

THOMAS BAKER, Honiton, Devonshire, carrier.

THOMAS STEVEENS HOOK, Falmouth, Cornwall, carrier.

##### BANKRUPTS.

WILLIAM STENT, Oxford-street, hosier, May 26 at 2, and June 30 at 1, Court of Bankruptcy, London: Off. Ass. Alsager: Sols. Hardwick & Davidson, Weavers'-hall, Basinghall-street.—Fiat dated May 18.

HENRY CUNDALL, Little Hadham, Hertfordshire, innkeeper, publican, and farmer, May 26 at 1, and June 30 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Gee & Taylor, Bishops Stortford; Milne & Co., 2, Barcourt-buildings, Temple.—Fiat dated May 17.

GEORGE FLOWERS, Hawk-cottage, Hammersmith, auctioneer and builder, May 26 at 11, and June 30 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Moss, 4, Clerk-lane, Queen-street, Cheapside.—Fiat dated May 17.

WILLIAM GORDON, Colchester, Essex, coach proprietor, May 26 at 11, and June 23 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Barnes, Colchester; Wire & Child, Swithin's-lane.—Fiat dated May 6.

PHILIP SPEYER and JOSEPH SCHUBACH, High Holborn, tailors, May 29 at 1, and June 30 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Webber, 3, Caroline-st., Bedford-sq.—Fiat dated May 11.

JOHN FURZE, Paington, Devonshire, victualler, June 2 and 29 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Herrmann; Sols. Willis & Francis, Newton Abbott; Piment, London.—Fiat dated May 10.

THOMAS WILKES, Monmouth, innkeeper and victualler, June 13 and July 11 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Hall, Ross, Herefordshire; Smith & Son, Southampton-buildings, Gray's-inn.—Fiat dated May 10.

RICHARD PITT, jun., West Bromwich, Staffordshire, hatter and woollen draper, May 27 at 1, and June 29 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Bent, Manchester; Milne & Co., Temple.—Fiat dated May 12.

#### MEETINGS.

*John Parker*, Bolton-le-Moors, Lancashire, cotton-waste spinner, May 25 at 1, District Court of Bankruptcy, Manchester, last ex.—*John Johnston*, Manchester, banker, June 14 at 1, District Court of Bankruptcy, Manchester, last ex.—*John Norman*, Wadebridge, Cornwall, tallow chandler, May 31 at 1, District Court of Bankruptcy, Exeter, last ex.—*John Kirby*, Brookaby-street, Islington, victualler, June 9 at 11, Court of Bankruptcy, London, and ac.—*Henry Alexander Jameson*, North Shields, Northumberland, linen draper, June 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Clapham*, Leeds, licensed victualler, July 7 at 11, District Court of Bankruptcy, Leeds, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Thomas Hawkins*, St. John-street, Smithfield, carrier, June

13 at half-past 12, Court of Bankruptcy, London.—*Archibald Thomson*, Leadenhall-street, merchant, June 13 at 12, Court of Bankruptcy, London.—*Edwin Thompson*, East Grinstead, Sussex, corn-dealer, June 13 at half-past 11, Court of Bankruptcy, London.—*Samuel Glyde*, Southampton-row, Russell-square, Middlesex, and Yeovil, Somersetshire, grocer, June 13 at 11, Court of Bankruptcy, London.—*G. Seccombe*, Tavistock, Devonshire, and Bude, Cornwall, tailor, June 10 at 11, District Court of Bankruptcy, Exeter.—*Wm. Cogan*, Plymouth, Devonshire, builder, June 14 at 12, District Court of Bankruptcy, Exeter.—*Cuthbert Davison*, Sunderland, Durham, cabinet-maker, June 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Cox Buchanan*, Dursley, Gloucestershire, money scrivener, June 15 at 12, District Court of Bankruptcy, Bristol.—*Thomas Steel*, Stockport, Cheshire, silk spinners, June 15 at 12, District Court of Bankruptcy, Manchester.—*Wm. Shawcross* and *John Shawcross*, Stockport, Cheshire, cotton-spinners, June 15 at 12, District Court of Bankruptcy, Manchester.—*Andrew Leighton*, Liverpool, merchant, June 13 at 12, District Court of Bankruptcy, Liverpool.—*John Thomas Nash* and *John Tomlinson*, jun, York, mustard manufacturers, June 14 at 11, District Court of Bankruptcy, Leeds.—*Samuel Danks*, Wednesbury, Staffordshire, nail manufacturer, June 13 at 11, District Court of Bankruptcy, Birmingham.—*Henry Morris*, Stourbridge, Worcestershire, grocer, June 13 at 11, District Court of Bankruptcy, Birmingham.—*Edward Dickin*, Longdon, Shropshire, draper, June 15 at half-past 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 9.

*Alex. Yeatman* and *Aubrey Lum*, Fore-street, London, chemists.—*David Ward Banks*, Manchester, dealer in pianofortes.—*Jos. Lindon*, Plymouth, Devonshire, merchant.—*Jas. Whitelaw* and *Thos. Whitelaw*, Litchfield-street, Soho, and Store-street, Bedford-square, carpenters.—*David Whitley*, Cirencester, Gloucestershire, scrivener.—*William Mayhew*, Crutched-friars, and Decrespigny-place, Camberwell, Surrey, wine-merchant.—*Geo. Seaborn*, Berkeley, Gloucestershire, baker.—*Jas. Higgins*, Birmingham, fishmonger.—*J. Archer*, Upper Thames-st., iron merchant.—*Jas. Sartain*, Corsham, Wiltshire, sheep dealer.—*Wm. John Chetwynd*, Elizabeth-place, Westminster-road, Surrey, picture dealer.—*Thomas C. Clarkson*, Commercial-road, Lambeth, Surrey, tanner.—*Sam. Burrell*, St. Ives, Huntingdonshire, linen-draper.

#### FIAT ANNULLED.

*John Grant*, Cathay, Bristol, baker.

#### SCOTCH SEQUESTRATIONS.

*Nicholas Ross Baxter*, Dundee, upholsterer.—*Geo. Brodie*, Murraygate, Dundee, hosier.

#### DECLARATIONS OF INSOLVENCY.

*James Hill*, Sheffield, Yorkshire, shoe-blade maker.

*William Walker*, Kingston-upon-Hull, master mariner.

*Alexander Cowan*, Aylesbury-street, Clerkenwell, general dealer.

*James Meller*, Burn Lee, Upper Thong, Almondsbury, Yorkshire, cloth dresser.

*James Bragg*, Leeds, Yorkshire, dealer in herrings.

*John Caton*, Blackburn, Lancashire, joiner.

*Robert Penniston*, Leeds, cheese and bacon-factor.

*Matthew Rose*, Ashby-de-la-Zouch, Leicestershire, farmer.

*George Bird*, Chealyn Hay, Cannock, Staffordshire, cattle dealer and labourer.

*Charles Rudd*, Manchester, licensed victualler.

*Henry Butterworth*, London-wall, licensed victualler.

*Benjamin Clark*, Half Moon-street, Piccadilly, St. George, Hanover-square, lodging-house keeper.

*William J. Welle*, Brompton, Gillingham, Kent, shipwright.

*Joseph Tilt*, Great Queen-street, Lincoln's-inn-fields, dealer in milk.

*Edward Betts*, Stratton St. Margaret, Wiltshire, baker.

*James Marsh Bennett*, Trafalgar-square, New Peckham, St. Giles, Camberwell, Surrey, out of business.

*Richard W. C. Whichelo*, Liverpool, mariner.

*John Robins Vivian*, Oxendon-street, St. James, commercial agent.

*Richard Goodrich*, Stroud, Gloucestershire, out of business.

*Sam. Dearneley*, Covent-gardens, Stockport, Cheshire, warp and weft spinner and candle-wick manufacturer.

**Edward John Lack**, Castellan-villas, Barnes, Surrey, clerk in the corn department.

**Thos. Woolcott**, Rawstorne-street, St. James, Clerkenwell, carpenter.

**James Woodrow**, Long-acre, St. Martin-in-the-Fields, tailor.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 9 at 9.*

**James Emerson**, York-road, Lambeth, accountant.—**Wm. Lee**, Finsbury-market, Clifton-street, Finsbury, retailer of beer.—**George Chandler**, Crown-st., Walworth-road, Newington, Surrey, dealer in hay.—**J. Atwell**, Bowling-green-place, Little Woodstock-street, Marylebone, cowkeeper.—**G. Hope**, Bread-st., Cheapside, commission agent.—**J. Eagleton**, sen., St. Margaret's-hill, Southwark, dealer in yeast.—**John Regan**, Dean-st., Soho, out of business.—**Wm. Newton**, Heslop-place, Hackney, out of business.—**John Aldworth**, Praed-st., Edgeware-road, butcher.—**T. B. Thatcher**, Prospect-place, Devonshire-street, Globe-road, Mile-end, seller of eggs on commission.

#### Adjourned.

**Henry Dowers**, Bishopsgate-st. Within, general merchant.

*June 10, at the same hour and place.*

**Edward Jones**, Gray-street, Webber-street, Blackfriars-rd., Surrey, hat manufacturer.—**Lewis Roberts**, Doris st., Kennington-cross, Lambeth, Surrey, deputy's deputy usher of the Court of Queen's Bench.—**George Mellor**, Racquet-court, Fleet-street, china dealer.—**George Moir**, King-street, Snow-hill, ladies' shoe manufacturer.—**Henry Pennyfeather**, Oldham-place, Bagnigge-wells-road, mathematical instrument case maker.—**Thomas Jones**, Earl's-court-terrace, Old Brompton, out of business.—**J. Stroud**, Kent-street, Southwark, chandler's-shop keeper.—**J. W. Wright**, Chiswick, bricklayer.—**T. Stowell**, Bowling-green-street, Kennington-common, omnibus time keeper.—**Joseph Piper**, Hertford-road, Kingsland, out of business.

*June 12, at the same hour and place.*

**William Aldrich**, James-street, Old-street, St. Luke's, coach smith.—**Geo. Biggs**, Somerset-place, Deptford Lower-road, Rotherhithe, Surrey, shipwright.—**H. A. Milner**, Claremont-cottages, Notting-hill, Middlesex, clergyman's widow.—**Henry Lewis**, Cannon-street-road, St. George's in the East, mate and carpenter of the brig Seven.—**James Aldrich**, sen., James-st., Old-street, St. Luke's, coach smith.—**Wm. Chapman**, Felix-street, Bethnal-green-road, shoemaker.—**J. F. Marler**, Peacock-street, Newington, Surrey, servant.—**W. Hall**, King's-row, Pimlico, manager of a corn-chandler's business.—**Robert Hall**, Gibson-street, Oakley-street, Lambeth, Surrey, manager of a corn-chandler's business.—**W. Tailby**, Ave Maria-lane, Ludgate-street, London, commission agent.

#### INSOLVENT DEBTORS' DIVIDENDS.

**Jesse Colegrave**, Sibford Ferris, Oxfordshire, butcher; 7s. 1d. in the pound.—**Thomas de Genier de Fonblanque**, Brynston-street, Portman-square, gentleman; 7½d. in the pound.—**Thomas Forrest**, Blackburn, Lancashire, overlooker in a cotton factory; 6s. 2½d. in the pound.—**Wm. Gover**, Derby, professor of music; 2s. 2½d. in the pound.—**Thos. Stephenson**, Staindrop, Durham, smith; 1s. 4d. in the pound.—**F. Perry**, Arundel-street, Portman-sq., lieutenant in the army; 5s. 2½d. in the pound.—**E. T. Gould**, Shottory-hall, Stratford-upon-Avon, Warwickshire, Esq.; 2s. 10½d. in the pound.—**James Swarbrick**, Preston, Lancashire, victualler; 6s. 8d. in the pound.—**Henry Potter**, Hoxne, Suffolk, blacksmith; 2s. ½d. in the pound.—**Wm. Kisock**, Oxford, draper; 5s. 7½d. in the pound.—**Jas. D. Smith**, sen., York-place, Waterloo-road, Surrey, printer; 8½d. in the pound.—**John Mallings**, Harmondsworth, near Hounslow, Middlesex, blacksmith; 7s. ½d. in the pound (being in addition to 5s. made before the insolvency).

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

**Wm. Perrin**, Buscott Wick, Berkshire, farmer, Crowdy & Brace's, Highworth, Wiltshire; 5s. 6d. in the pound.

#### MEETING.

**John B. Holloway**, sen., Trafalgar-road, Greenwich, Kent, china and glass dealer, June 5 at 11, Dean & Co.'s, St. Swithin's-lane, sp. aff.

#### GENTLEMEN CALLED TO THE BAR.

The following Gentlemen have been called to the Bar, Easter Term, 1843:—

**MIDDLE TEMPLE, April 21.**—George John Graham and J. Sebastian Blasini, Esqrs. **May 5.**—J. Clemens Chopping; Henry Hawkins; Thomas Elliott; Nathaniel Vye; James Lukin Robinson; Samuel Prentice Edmund Francis Farrington; John Daniel King; Edward William Cox; Richard Harley Addie; Charles Stanley; and Francis Madryll Cheere, Esqrs.

**GRAY'S INN, April 26.**—C. J. Wade, Esq., Special Pleader.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed George Montagu Evans, of Farnham, Surrey, Gent., to be a Master Extraordinary in the High Court of Chancery.

**PARTNERSHIP.—WANTED** by a Solicitor, who has been in Practice about two years and a half in the country, a PARTNERSHIP in a Respectable Office in a Country Town. The Advertiser's share to be 400l. per annum at least. A liberal Premium will be paid. Address to be had on applying to Editor.

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# The Jurist

No. 333.

LONDON, MAY 27, 1843.

PRICE 1s.

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LONDON, MAY 27, 1843.

IN pursuance of that portion of the plan of THE JURIST which consists in occasionally discussing the rationale and policy of the Law, and of the machinery by which it is carried into effect, we purpose in the following remarks to address ourselves to the subject of Lord Langdale's observations in the House of Lords, on the second reading of the Queen's Bench Offices Bill; we refer to the system which prevails in carrying law reforms into effect, of levying upon the suitor a revenue for the purpose of maintaining the official staff intended to be employed in the reformed administration of justice. Custom and the cupidity of the public have, we will not say, sanctioned this practice, but have taken off attention from its manifest injustice and impolicy; it abounds however so largely in those two qualities, that it is scarcely necessary to give it more than a very slight consideration to perceive their predominance. The intention and effect of those arrangements for the administration of justice, which in civilized countries have assumed the form of courts of law, with all their attendant machinery, are merely, it should be recollected, to draw to the exclusive consideration of the authorized agents of the State disputes between individuals as to their rights,—disputes which, it must also be recollected, arise principally from the imperfection of the code of laws adopted by the State; for though it is plain that courts might be requisite, even with the most perfect state of law that could be imagined, yet it is equally plain, that, in proportion as the range of cases in which the law speaks with precision is extended, so the necessity for the interposition of courts of law must diminish. The reason for the State thus taking under its own jurisdiction the adjustment of such disputes, is not principally the particular benefit of the individual disputants, but the preservation of public order and peace, which would necessarily be frequently disturbed,

if parties contesting some right, were left to settle the question between them unaided and uncontrolled.

That this is so with regard to courts of criminal judicature of every class, and to the machinery by which their decrees are worked out, is perfectly admitted and acted upon. No one, for instance, dreams at the present day of throwing on those who may require the specific aid of courts of criminal jurisdiction, or of a police establishment, the burthen of maintaining by fees the entirety, or even a considerable portion, of such establishments. But an idea is entertained by a large class of persons, and that not among the most uneducated, that a different rule should prevail with regard to tribunals for adjudicating on contests as to civil rights and rights of property. With regard to these the notion is, that courts exist only for settling the disputes of the litigious; and that if A. and B. choose to dispute a title to property, the State, who can have no part in it, whatever may be the decision, has no interest in the question; and consequently, that A. and B. should themselves pay for the judicial machinery which they require. What difference, however, we would ask, is there in principle between judicatures of a criminal and of a civil character, which should render such different modes of reasoning applicable to them? In what does either judicature differ from the other? Not certainly in the theory of its necessity, or of its action; but only in reference to the particular class of rights to which its action is applied. All judicatures, whether civil or criminal, are intended to act, and in the main do act, not for the purpose of merely repressing the claims of those who make claims unfounded in right, but for the purpose principally of insuring those who have right, against infringements of their right. Every sound determination of a magistrate exercising criminal jurisdiction, every sound decision of a court of law or equity, enures not merely for the specific benefit or redress of the party in whose favour it is given, but

for the indirect and frequently much larger benefit of all who are or may thereafter be in consimili casu; and he who passes through life without having occasion to resort to the law for redress, so far from considering himself as not falling within the sphere of its protection, and therefore to be exempted from contribution towards the support of legal establishments, should reflect that it is because others, by submitting themselves to the ordeal, elicit the declaration of what is the law, and the manifestation of the force that will carry it into effect, that he individually is exempted from becoming a litigant.

We apprehend that the idea that they who have quarrels should alone pay for their judicial investigation and settlement, and that there is injustice in the state being called upon to maintain the necessary staff of officers for working out the decrees of Courts of Law and Equity, is founded on a thoroughly erroneous appreciation of the true object and effect of judicial establishments. We apprehend also, that such a principle, carried into practice, is pregnant with evil consequences. Of the additional difficulty that it interposes in the way of justice being obtained by those whose pecuniary means are small, we say nothing; that result is too plain and palpable to require more than a mere glance at it; but there is a more hidden evil in the mode in which the system affects the conduct of the business of litigation. The impost thrown by it on the suitor being an unjust one, tends, like every other act of injustice, not only to create an indisposition to submission, but a disposition to get rid of as much of it as possible, without regard to the justice of the mode in which it is got rid of. Thus every party falling directly or indirectly under the pressure of such an impost, struggles by force or by contrivance to throw off some portion of the burthen on the classes with whom he comes in contact in the execution of business. Hence in part the unseemly contest which takes place on every parliamentary attempt to reform departments of the law, as to the adjustment between the suitor, the official class, and the profession, of the burthen of compensations to abolished officers, and salaries to the new ones. Hence also, when some kind of adjustment is made, generally an adjustment upon the principle of throwing the burthen most on him who has least power to resist, the sense of injustice, which, in different degrees, pervades all the different classes of the taxed, adding incessant sources of petty anxiety and irritation in the conduct of business, sufficiently prone of its own nature to call into operation the irritable qualities of mankind. The true and just rule, as it appears to us, would be, that, as to all that concerns the shape in which the litigant thinks fit to present his case for adjudication, he may fairly be left individually to pay the expenses of his litigation, and has no claim for aid on the state: but that, as to all that concerns the mode in which the law determines that a litigant shall proceed; as to all that concerns the action of courts as instruments of adjudication; and as to all that concerns the carrying of their decrees into effect; in other words, as to all that concerns their action as executive bodies operating on the rights of the litigants, the state should support the entire judicial machinery, and the litigant should be wholly exempt from all payment.

## Correspondence.

### RANKNESS OF A MODUS.

TO THE EDITOR OF THE JURIST.

Sir,—In your observations on the cases of *Salkeld v. Johnson and Fellows v. Clay*, (ante, p. 161), as well as in those cases themselves, it appears to have been assumed, that, unless the extensive operation contended for by Lord Chief Justice Denman be given to the Tithe Prescription Act, the objection of rankness to a modus is as much open under that act as it was at common law. As this point however has not yet arisen in the courts, you will perhaps allow me to suggest a different view of the subject, and a distinction between the objection of want of legal origin to a claim of exemption, and the objection of rankness to a modus.

It is not unusual to speak of rankness as being an objection in point of law to a modus; but it is in fact nothing more than an objection by way of evidence, and not even of direct evidence, but only as suggesting a presumption against that presumption which the party who sets up the modus wishes to be drawn from the evidence on his side. Thus, in *O'Connor v. Cook*, (6 Ves. 664), Lord Eldon (in directing an issue, notwithstanding the apparent enormous rankness of a modus) said, "Upon the question of fact, whether there has been this immemorial payment, the magnitude of the payment is but evidence of the improbability that it was immemorably paid, upon the inference that the landholder would not so long ago have come into such an agreement to pay a composition so vastly above the value. The rankness being but evidence as to the immemoriality of the payment, forms no objection in point of law to the modus. Therefore, in the case in *Blackstone*, (p. 1257), the judges certified that 2s. 6d. was an illegal payment for a lamb." At one period, indeed the judges set their faces against the objection of rankness under any circumstances. (See 2 J. & W. 497.) The rankness of a modus then affords a presumption that it could not have been immemorably paid, and nothing more. But what is the admitted effect of the act in regard to evidence of this nature? Why, that the most direct and distinct evidence, that in fact there has been no immemorial payment of a modus or enjoyment free from tithes, is not sufficient to defeat a claim to modus or exemption, supported by evidence of enjoyment for a certain time. The act, in that part of it which relates to claims of tithe in kind by lay persons &c., (as to which, however, the law is now regulated by the Statute of Limitations, 3 & 4 Will. c. 27), enacts, that, upon evidence of payment of modus or exemption for thirty years previous to the demand of tithes in kind, the claim to the modus or exemption shall be sustained and be deemed good as valid in law, unless some inconsistent payment or render is shewn to have been made within sixty years; but upon proof of enjoyment according to the claim for sixty years, the claim is to be deemed absolute and indefeasible, unless it is shewn to have originated in some express agreement in writing; in other words, that proof of any inconsistent payment or render not within the period of sixty years, shall defeat the claim. At the subsequent part of the clause relating to tithes demanded by parsons is to the same effect. It cannot be denied, therefore, that if a reasonable modus is shewn to have been regularly paid during the longer period mentioned in the act, or if nonpayment during that period

tithes in respect of lands belonging to one of the greater monasteries at the time of the dissolution, is proved, the claim to the benefit of the modus or to total exemption will not be defeated by direct evidence, shewing, that in fact, from the time of Richard the First down to the very day before the commencement of the statutory period, tithes in kind have been paid in respect of those lands; and yet if the objection of rankness is to prevail, the court would be driven to say, in one case, that because the amount of the modus which is set up is so large, we must presume that it has not been immemorially paid, and therefore must hold it bad; and the next moment, in another case, to say that, although we have direct evidence that this modus was never paid until near the end of the last century, yet, as there are no grounds for presuming that it has not always been paid since the time of Richard the First, we will support it. Can that be the correct construction of an act of parliament which would put such absurdities into the mouth of a judge?

## Imperial Parliament.

### HOUSE OF LORDS.

Monday, May 22.

On the motion for going into committee on the Queen's Bench Offices Bill,

Lord Langdale objected to the principle of the Bill. All the expenses of administering justice, he thought, all the salaries of the judges and other officers, ought to be borne by the country, and not levied on the suitors. This Bill was for the purpose of collecting a revenue from the fees, the surplus of which, after paying salaries &c., was to be paid into the Consolidated Fund. His Lordship went into a statement of details, from which he gathered, that there would be at least 120,000*l.* obtained a revenue, which he thought would be improperly levied on the suitors for justice. His Lordship justified his conduct, in reference to these opinions, in the part he had taken in the late Chancery reforms, on the ground that those reforms were of paramount importance, and he thought it better that the Chancery suitors should bear the burthens imposed upon them for a limited time, than forego the reforms.

The Lord Chancellor agreed with Lord Langdale on the principle, and made some observations on the practical working of the system adopted; and after a few words from Lord Campbell, the Bill passed through committee.

### HOUSE OF COMMONS.

Wednesday, May 24.

Sir G. Grey moved the second reading of the Charitable Trusts Bill.

Mr. Hume rose not to offer any opposition, but to call the attention of the Government to this important subject. The property in lands and funds invested in the hands of trustees for charities amounted to not less than 6,000,000*l.*; over which there did not exist that salutary control that the public had a right to expect. He thought the Government ought to establish a board for the supervision of such trusts, and to which each of them should be bound to transmit an account of its proceedings.

Sir R. Inglis thought the Bill too general and sweeping in its enactments; in particular he thought it too general in giving to the Attorney-General power to visit every charitable trust, no matter whether the trustees were found capable of managing the trust or not.

The Attorney-General said he had long thought a comprehensive measure on the subject was wanted. It was desirable, he thought, that, in connexion with it, some comprehensive scheme should be adopted to provide that the charities might be under proper visitation, instead of the present expensive and complicated process. He proposed that this bill should be abandoned, and the Government would, he thought, be able to bring in a bill during the present session.

Sir G. Grey was willing to postpone, but not to withdraw his bill. However, after a few remarks from other members, the motion was withdrawn.

## NEW RULE OF COURT.

EASTER TERM, 6 VICT.

It is ordered, That, in every case in which the Court shall grant a rule for the payment of costs occasioned by the application for any writ of mandamus, or the proceedings thereon, or to compel any person not a party to an original rule to pay the costs of such original rule, such rule for costs shall be drawn up on reading all the affidavits filed in support of and in opposition to the original rule.

By THE COURT.

## Court Papers.

### CAUSE LISTS.—TRINITY TERM, 6 VICT.

#### Court of Chancery.

\*.\* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

#### JUDGMENTS.

Knight v. Frampton (Ap) L. C.  
Cooper v. Emery (Ap) L. C.  
Prendergast v. Turton (Ap) L. C.  
Cator v. Masterman (Ap) L. C.  
Lancaster v. Evors (Ap) L. C.  
Oliver v. Latham (2 Ap) L. C.  
Dean and Chapter of Ely v. Bliss (Ap) L. C.  
Dartmouth Corporation v. Holdsworth (Ap)  
Appleby v. Duke (Ap)  
Clark v. Wilmot (Ap)  
Roberts v. Marchant (Ap)  
Ashley v. Hoskins (Ap)  
Meek v. Kettlewell (Ap)  
Brown v. Bamford (Ap)  
Burridge v. Row (Ap)  
Booth v. Creswick (Ap)

Ranger v. Great Western Railway Co. V. C. of E.  
Heath v. Hodgkinson V. C. W.  
Wastell v. Leslie (2 Ap)  
Woodroffe v. Daniel V. C. of E.  
Bucknell v. Pocknell (D) V. C. of E.  
Thorpe v. Owen (F D) V. C. W.  
Hepworth v. Heaslop V. C. W.  
Hart v. Hart (F D, C)

#### PLEAS AND DEMURRERS.

Miller v. Hoddlestone (D) V. C. of E.  
Goodale v. Wing (dft.'s objection to want of parties) V. C. of E.  
Lloyd v. Smith (dft.'s objection for want of parties) V. C. of E.

#### Before the LORD CHANCELLOR.

#### RE-HEARINGS & APPEALS.

Clun Hospital v. Powis } (Ap)  
Attorney-Gen. v. Earl } Ptn  
Powis } S O  
Thomas v. Jones (Ap) part heard S O  
Marquis of Westminster v. Morrison (Ap) S O  
The Sheffield Canal Co. v. The Sheffield & Rotherham Railway Co. (Ap)  
Morrall v. Sutton (Ap) S O  
Bulwer v. Astley (Ap)  
Curtis v. Mason (Ap)  
Salkeld v. Johnson (Ap)  
Elliotson v. Knowles } (Ap)  
Ditto v. Lackington }  
Bampton v. Birchall (Ap)  
Bampton v. Standish (Ap)  
Frampton v. Cannon } (Ap)  
Ditto v. Whitmore }  
Attorney-Gen. v. Potter (Ap)  
Fearenside v. Derham } (2 ca.  
Thompson v. Ditto } by order

Barrs v. Jackson (Ap)  
Cresy v. Beaven (Ap)  
Young v. Lord Waterpark (Ap)  
Williams v. Knipe (Ap)

Langley v. Horton (Ap)  
Smyth v. Griffin (Ap)  
Baillie v. Innes } (Ap)  
Ditto v. Palmer }  
Tullock v. Hartley (Ap)  
Walsh v. Gladstone (Ap)  
Dryden v. Burnham } (Ap)  
Burnham v. Dryden }  
Taylor v. Rundell } (Ap)  
Pearce v. Ditto }  
Walsh v. Gladstone } (Ap)  
Ditto v. Lord Camoys }  
Langley v. Fisher (Ap)  
Arundale v. Bowyer (Ap)  
Fisher v. Taylor (Ap)  
Benson v. Heathorn (Ap)  
Cottingham v. Earl of Shrewsbury } (Ap)  
Praed v. Richardson }  
Ditto v. Jermyingham }  
Booth v. Lightfoot (Ap)  
Cutts v. Thodey (Ap)  
Selby (pauper) v. Jackson (Ap)  
Heighington v. Grant (5 causes Ap)  
Sherwood v. Walker (Ap)  
Fordham v. Fordham (Ap)

Bonser v. Cox (Ap) | Foley v. Hill (Ap)  
Att.-Gen. v. Rickards (Ap) | Foster v. Smith (Ap)

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

## Before the VICE-CHANCELLOR OF ENGLAND.

Dangerfield v. Evans May 26  
Osbaldiston v. Simpson (part heard) S O  
Attorney-Gen. v. Baines S O  
Farmer v. Farmer May 26  
Sands v. Fincham (part heard) S O  
Norman v. Baldry (F D, C) S O  
Leeds v. Lord Amherst after Term  
Palmer v. Marshall (F D, C)  
Gardner v. Marshall  
Thompson v. Atherton } (F D,  
Ditto v. Bardswell } C)  
Bazalgette v. Kirlaw (E) S O  
King v. Plant (E)  
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Ditto v. Ditto (Cause, Ptn) }  
Moone v. Gould (E)  
Barber v. Southall (F D, C)  
Medley v. Horton  
Fyson v. Pole  
Willoughby v. Willoughby S O  
Castellman v. Blumenthal (at defendant's request)  
Bazalgette v. Kirlaw (defendant's E) S O  
Turner v. Hyde (F D, C)  
Clarendon v. Cope (F D, C, Cause) S O S A  
Stevens v. Stevens (F D, C) May 26  
Eckley v. Phesey (F D, Ptn)  
Loder v. Hebden  
Davis v. Beavan } (F D, C)  
Wright v. Norris }  
Hughes v. Evans (5 C. F D, C)  
Duke of Leeds v. Earl Amherst (E)  
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Winter v. Bromhead (F D, C)  
Edwards v. Goodwin (E, F D, C)  
Davis v. Chanter } After  
Ditto v. Bishop } Term  
Ditto v. Bishop }  
Croft v. Waterton }  
Waterton v. Croft }  
Brocklehurst v. Shaw } (F D,  
Ditto v. Starkey } C)  
Dixon v. Butler } (F D, C)  
Ditto v. Turner }  
Reynolds v. Richards (F D, C)  
Attorney-Gen. v. Fitzgerald (3 Causes, F D, C)  
Cripps v. Pickman (F D, C)  
Winterbottom v. Ingham (F D, C)  
Balme v. Jones (F D, C)  
Bartrum v. Denton (F D, C)  
Midley v. Bulkeley }  
Ditto v. Sturgis }  
Ditto v. Haddock }  
Clark v. St. Leu }  
Giles v. Glas (F D, C) }  
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Ditto v. Smart }  
Hewes v. Hedge (F D, C)  
Gregson v. Hayton (F D, C)  
Savory v. Hodson S A  
Bute v. Stewart (E)  
Brook v. Piper S A  
Terrell v. Mathews (F D, C)  
Deptford Pier Co. v. Tyrrell S A  
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Rivers v. Oades (F D, C)  
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Ditto v. Ditto (Cause) }  
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Ditto v. Behan }  
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Ditto v. Fenton }  
Ditto v. Selwyn }

## Before the Vice-Chancellor KNIGHT BRUCE.

Dovey v. Nedby S O  
Daniel v. Warren (by order)  
Sparrow v. Harrison  
Smith v. Lyne  
Dupay v. Trumore  
Wardle v. Claxton }  
Ditto v. Knowles }  
Rider v. Jones } (F D, C,  
Ditto v. Sturgis } Ptn)  
Way v. Way (F D, C)  
NEW CAUSE.  
Bayley v. Smith  
Causes transferred from V. C. of England's List.  
Meggison v. Forster  
Smith v. Coleman }  
Ditto v. Eyton }  
Savory v. Hodson  
Thomas v. Parker  
Walter v. White  
Batten v. Parfitt  
Dungey v. Savage  
Weeks v. Lovegrove  
Wood v. Harborne  
Alcock v. Cartledge  
Brown v. Lake  
Hinson v. Ditto }  
Rowe v. Round  
Attorney-Gen. v. Pawley  
Milne v. Walton  
Rogers v. Grazebrook  
Ingles v. Bromley  
Godkin v. Murphy  
Longmore v. Elam  
Dickens v. Crane  
Leach v. Leach  
Arnold v. Moor  
Bailey v. Bailey  
Urquhart v. Urquhart  
Smart v. Kenrick  
Slatter v. Stevens  
Otter v. Barrowclift

## Before the Vice-Chancellor WIGRAM.

Broad (pauper) v. Robinson  
Tatam v. Williams  
Stapleton v. Banks }  
Ditto v. Ditto }  
Macmahon v. Burchell S O  
Eltoft v. Brown (F D, P C) S O  
M'Intosh v. Watson (F D, C) S O  
Crowfoot v. Mander (E ptf.) }  
Ditto v. Ditto (E dft.) }  
Ditto v. Ditto (F D, C) }  
Corporation of Gloucester v. Wood  
Williams v. Griffiths  
Harrop v. Howard  
Davies v. Ashford  
Bridfoot v. Saunders  
Playsted v. Playsted  
Hicks v. Flower  
Buckley v. Barton  
Brown v. Hoggart (F D, C)  
Norman v. Fraser  
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Ditto v. Tomkiss }  
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Prescott v. Prescott S A  
Griffith v. Mathews  
Penoyre v. Walker  
Morgan v. Elstob } (E 2 sets,  
Ditto v. Hodgson } F D)  
Glover v. Bargrove  
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Holmes v. Turner  
Fear v. Norriah  
Crane v. Kilpin  
Ditto v. Sturgis  
Slade v. Rigg  
Humble v. Wells }  
Ditto v. Smith }  
Allsop v. Howell (F D, C)  
Lloyd v. Mason  
Ditto v. Ewart  
Brown v. Mason } May 26  
Ditto v. Watkin }

## NEW CAUSES.

Harrison v. Stewardson  
Dickenson v. Fox  
Walker v. Moorehouse (F D, C)

## Rolls Court.

Total.	60	3	112	15	25	3	47	65	15
Exceptions.	3	0	0	0	0	0	1	2	0
Further Directions and Exceptions.	3	0	0	0	0	0	2	1	0
Further Directions and Cases.	20	13	33	6	9	1	16	17	3
Cases.	28	35	66	9	12	2	27	39	34
Pleas, Demurrers, and Objections.	6	1	7	0	1	0	1	6	0

## ABSTRACT OF BUSINESS IN THE ROLLS COURT,

FROM EASTER TERM TO THE PRINTING OF THE LIST, INCLUSIVE.

Standing in the printed Book for Hearing at the Commencement of Easter Term, 1843  
Matters set down after the Printing of the Book for Easter Term and up to the Close of the Sittings ..  
Matters in Consent Book ..  
Total ..  
Heard and disposed of, or removed from the General Paper—  
As Short Causes ..  
In the regular Paper ..  
Struck out, as abated or compromised, or for some other reason  
Transferred to the Book of Causes of the Lord Chancellor,  
after deducting those that have been re-transferred ..  
Matters in Consent Book ..  
Total ..  
Balance undisposed of ..  
Deduct thereout Matters adjourned beyond these Sittings ..  
Total for Hearing these Sittings ..



## JUDGMENTS.

Spalding v. Ruding  
 Stocken v. Wallace  
 Ditto v. Dawson  
 Ditto v. Ditto  
 Ditto v. Belcher

## CAUSES.

*Adjourned at the request of Parties till after 1st day of Causes in Trinity Term.*

James v. James } Mich.  
 Ditto v. Ditto } Term  
 Ditto v. Ditto }

Jackson v. Jackson Mich. T.  
 Leavens v. Edmondson } (E,  
 Ditto v. Linbert } F D,  
 Ditto v. Ditto } C,

part heard) *Until revived*  
 Johnson v. Todd } (F D, C,  
 Ditto v. Ditto } Ptn) for  
 Ditto v. Ditto } Sup. Ca.  
 Whitway v. Williams (P C)

*All Answer filed*  
 Green v. Badley } (F D, C,  
 Ditto v. Thompson } Rep. by  
 order) Mich. Term

Walton v. Potter Mich. Term  
 Att.-Gen. v. Potter (F D, C)  
 Mich. Term

Howard v. Prince } 1st day of  
 Ditto v. Stapleton } Causes  
*after Trinity Term*

Hammett v. Leddam 1st day  
 of Causes after Trin. Term

Dean and Chapter of Ely v.  
 Gayford (Pl of Edw. Hens-  
 ley & ors.) *After Appeals*

Same v. Waddelow (Pl of Jas.  
 Crowe & ors.) *After Appeals*

Same v. Same (Pl of William  
 Hardy & ors.) *After Appeals*

Same v. Bliss (Pl of Fred. Ed-  
 wards & ors.) *After Appeals*

Same v. Shillito (Pl of Steph.  
 T. Shillito & ors.) *After App.*

Same v. Hensley (Pl of Wm.  
 Hensley & ors.) *After App.*

Langley v. Fisher *After App.*  
*Adjourned till the 1st day of*  
*Causes in Trinity Term.*

Lumsden v. Morison  
 Christian v. Foster (F D, C)  
 Att.-Gen. v. Irby (F D, C)  
 Parker v. Young } (F D, C)  
 Ditto v. Bulpett }

*Undisposed of at the Close of*  
*the last Sittings.*  
 Att.-Gen. v. Wright (F D, C)

Payne v. How  
 Ditto v. Withers  
 Ditto v. Simmons  
 Withers v. How  
 Ditto v. Withers  
 Ditto v. Simmons  
 Payne v. How  
 Ditto v. Simmons

(F D, C)

Flower v. Hartopp (E)  
 Sturge v. Dimsdale  
 Ditto v. Harford  
 Ditto v. Challacombe } (F D,  
 Ditto v. Dimsdale } C)  
 Earl v. Grocock  
 Ditto v. Cort  
 Ditto v. Earl  
 Ditto v. Ditto  
 Hanbury v. Spooner } (F D,  
 Ditto v. Turner } C)  
 Marquis of Hertford v. Lord  
 Lowther (E 3 sets)

Alston v. Alston  
 Purston v. Prior  
 Leedham v. Smith  
 Colyer v. Clay  
 Jordan v. Lowe  
 Holl v. Hoyle  
 Wells v. Gibbs }  
 Ditto v. Tranah }

*Causes set down since the*  
*Printing of the Book for*  
*last Term.*

Vandelure v. Blagrove  
 Lady v. Clark } (F D,  
 Ditto v. Williamson } C)

Caren v. White  
 Fowler v. Durham (F D, C)  
 Wyett v. Nicholson  
 Adnam v. Cole (F D, C)

Tyler v. Webb  
 Matthews v. Miller  
 Ditto v. Winston  
 Pritt v. Clay *after Trin. Term*

Cochell v. Dampier  
 Attorney-Gen. v. Ganies  
 Lloyd v. Lloyd (dft.'s request)

Skey v. Bennett  
 Tarbuck v. Greenall  
 Ditto v. Tarbuck  
 Ditto v. Greenall } stored  
 Tarbuck v. Greenall } by or.)

Kilby v. Lawrence  
 Schofield v. Warner } (F D,  
 Ditto v. Best } C)  
 West v. Hardwick (F D, C)

Proudfoot v. Hume  
 Ditto v. Johnson  
 Ibbotson v. Smith  
 Ford v. Fowler }  
 Ditto v. Ford }  
 Cumming v. Thrown

Jones v. Fagg  
 Bragg v. Williamson  
 Williamson v. Bragg } (F D,  
 Bridge v. Ditto } C, Ptn)

Ditto v. Hartley  
 Attorney-Gen. v. Cheney  
 Winter v. Bartlett } (Ptn)  
 Ditto v. Kemp }  
 Bristowe v. Wood

Lewis v. Wathins  
 Attorney-Gen. v. Anthony  
 Delapierre v. Bowles

## NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS  
 AFTER EASTER TERM, 1843.

STANDING FOR JUDGMENT.  
 Hodgkinson v. Wyatt  
 Whittington v. Boxhall & ors.

EASTER TERM, 1842.  
 Linnet v. Chaffers & an.  
 The Queen v. Nott  
 The Mayor &c. of Exeter v.  
 Warren

TRINITY TERM, 1842.  
 Poor v. Ambler  
 Magnay & an. v. Monger  
 Evans & an. v. Collins & an.  
 Same v. Same  
 Ashley v. Gibbs & an.  
 Same v. Same  
 Hunter v. Neck  
 The Queen v. Meyer Albert

MICH. TERM, 1842.  
 The Queen v. Walton  
 Iveson v. Hemming  
 Wilson v. Maclean  
 Green v. Elgie & an.  
 Hayes v. Caulfield  
 Rose v. East India Company  
 The Queen v. Bynner  
 Morrell v. Parker  
 Flower v. Taylor  
 White v. Bruce & an.  
 Clough v. Taylor & ors.  
 Clark & ors. v. Tinker  
 Atkinson v. Spindler  
 Gibson v. Spindler  
 Carr v. Smith & an.  
 Bold v. Rotheram  
 Marshall & an. v. Lamb  
 Burdis v. Crowdace & an.  
 Burdis v. Foster & an.  
 Sinkinson v. Gairdner  
 Doe d. Fowler v. Clarke  
 Thirold v. Dixon  
 Doe d. Bromley v. Liversedge  
 Doe d. Earl Warwick v. Cook  
 Clayton v. Corby  
 Bosanquet & ors. v. Woodford  
 Webster v. Richards  
 Lake v. Arundell  
 Wheeler v. Branscomb  
 Webb v. Binns  
 Doe d. Bake & an. v. Derry  
 Frampton v. Sherman  
 Doe d. Croft & an. v. Hatter  
 Williamson v. Adams & ors.  
 Harding v. Harper  
 Garbett v. Veal & an.  
 The Queen v. The Inhabitants  
 of Adderbury East  
 Greville v. Chapman  
 The West London Railway Co.  
 v. Bernard  
 Upham v. Goldstone  
 Lancaster v. Wisby  
 Johnson v. Wood  
 The Mayor &c. of Colchester  
 v. Brooke  
 The Corporation of Colchester  
 v. Same

Allen v. Hayward  
 Simpson v. Coates  
 Doe d. Jones & ors. v. Harrison  
 Bell v. Shelton & an.  
 Jones v. Thomas  
 Williams v. Hughes & ors.

HILARY TERM, 1843.  
 Carpus v. The London and  
 Brighton Railway Co.  
 Sexton v. Dennis  
 Huggins v. Coates  
 Holloway v. Turner & an.  
 Hare v. Barstow  
 Bailey v. Triebner  
 Wood & ors. v. Tassell  
 Justice v. Gowan  
 Evelyn v. Chippendale  
 Reid v. Orbell

EASTER TERM, 1843.  
 Hall v. Hutchison  
 Beal v. Moulis & ors.  
 Mittelholzer v. Fullarton  
 Same v. Same  
 Lucey v. The General Steam  
 Navigation Co.  
 Beckett v. Potts  
 Watling & an. v. Horwood  
 Rumbold v. Mount  
 Macintosh v. Hamilton  
 Pain v. Allen  
 Bevan v. Pilcher  
 Jones v. Fay  
 David v. Preece & ors.  
 Thomas v. Davies  
 Pritchard v. Powell  
 Harrison v. Meredith  
 Merrill v. Perceval  
 Burton v. Clay  
 Edrupt v. Cornwell  
 Perkins v. Benson  
 Banks v. Darling  
 Doe d. Starling v. Hilton  
 Palmer v. Casterton  
 Wharton v. M'Kenzie  
 Doe d. Evans v. Haye  
 Davis v. Vernon & ors.  
 The Queen v. Hill  
 The Queen v. Boucher  
 The Queen v. Grierson  
 Hewitt & an. v. Miller  
 England v. West  
 Farrar v. Definne  
 Holford v. Hankinson & an.  
 Thomas v. Worrel  
 Doe d. Cowderoy v. Way  
 Slader v. Hallett & ors.  
 The Kennet and Avon Canal  
 Co. v. The Great Western  
 Railway Co.  
 Young v. Hitchings  
 Doe d. Davey v. Gent  
 Alford v. Vickeroy  
 Mathews v. Hammer & ors.  
 Hargreaves v. Wood & an.  
 The Queen v. The Inhabitants  
 of Great Broughton  
 Lamb v. Newbigging

## Court of Queen's Bench.

The Court of Queen's Bench, on the first and every  
 succeeding Crown Paper day in the next term, will call  
 on peremptorily and dispose of such of the Enlarged  
 Rules on the crown-side of the said Court as may be  
 then undisposed of.

May 17, 1843.

BY THE COURT.

## SPECIAL PAPER.

Graham v. Bennet  
 Cock v. Parker  
 Henniker v. Wigg & ors.  
 Lewis v. Nixon  
 Nash v. Allen  
 Tweedale v. Spivey

Bright v. Beard  
 Pennell & ors. v. Attenbury  
 Davis v. Smith  
 Belcher v. Threlk  
 Magnay v. Elgie  
 De Bormann v. ...



Price v. Dunn  
Doe d. Hartridge v. Gilbert  
Bowden v. Hall  
Amiott v. Monro  
Prentice v. Harrison & an.  
Worrall v. Ockleston  
Firmstone v. Burgess  
Gaunt v. Fenner  
Flight v. Leman  
Youde v. Jones  
Henderson v. Henderson  
Sims v. Henderson  
Fisher v. Waltham  
Wright v. Howe & ors.  
Smith & an. v. Coles  
Doe d. Bills v. Hopkins  
Yarworth v. Jackson

Gordon v. The Cheltenham &  
Great Western Union Rail-  
way Co.  
Gibson v. Forrester  
Hall v. Bainbridge  
Anderson v. Howell  
Fowler v. Rea  
Hartley & an. v. Fenton  
Butcher v. Wood  
Jeffreys v. Smith & ors.  
Dimes v. The Grand Junction  
Canal Co.  
Clipston v. Virtue & an.  
Elliott v. Stobbert  
Lord G. Bentinck v. Connop  
Wood v. Connop

## ENLARGED RULES

## FOR TRINITY TERM, 1843.

*First Day.*

Williams & Wife v. Panton  
Fellowe & an. v. Swainson  
Elderton v. Taylor & an.  
Stannard v. Bush  
Bosanquet v. Graham  
Same v. Buchan & an.  
Same v. Graham  
Same v. Coates  
Same v. Graham  
Same v. Jackson  
In re Guardians of Witham  
Union v. Scott & an.  
Snow v. Lovatt  
Ex parte Marr v. Postlewaite  
The Queen v. The Justices of  
Middlesex  
The Queen v. The Mayor &c.  
of Leeds  
The Queen v. The Aldermen  
&c. of Malmesbury  
The Queen v. The Justices of  
Kent  
The Queen v. Fowler  
The Queen v. The Council of  
Stamford  
The Queen v. The President  
&c. of St. John's College,  
Oxford  
The Queen v. The Governors  
of Tancred's Charity  
The Queen v. The Manchester  
and Leeds Railway Co.  
Same v. Same  
The Queen v. Preece  
The Queen v. Brown

*Second Day.*

Doe d. Murrell v. Algar  
Hayward v. Heffer  
Bland v. Dax  
Mears v. O'Brian

Ex parte Hankey and Wife  
Rogers v. Harold  
Bosanquet & ors. v. Graham  
Bosanquet & ors. v. Griffith  
Shepherd v. Rayner  
Morton v. Dunn  
The Queen v. Ponsford  
The Queen v. Bingham  
The Queen v. Townley

*Third Day.*

In the matter of Stuart v.  
Francis  
The Guardians of Banbury  
Union v. Robinson & ors.  
Stead v. Hyne  
Atkinson v. Manley  
Bristol v. Whitaker  
Myers v. Levy  
Chambers v. Bryant  
The Queen v. The Gt. Western  
Railway Co.  
The Queen v. The Justices of  
the West Riding of Yorksh.  
The Queen v. Smith  
The Queen v. The Council of  
Lichfield  
The Queen v. Varty & ors.  
The Queen v. The Justices of  
Lancashire

*Fourth Day.*

Stevens v. Angel & an.  
Thomas v. Vice  
Dyts v. Hamber  
In the matter of Mackey & ors.  
Read v. Howard  
Doe d. Pratt & ors. v. Parson  
Preston v. Ord  
Dobson v. Gibson & an.  
Deordon v. Pocock

## BAIL COURT.

The Queen v. James

## CROWN PAPER.

Middlesex .....	Reg. v. Direct. of the Poor of St. Pancras.
Lancashire .....	Inhabitants of Colne.
Thetford .....	Inhabitants of Croxton, Norfolk.
Lancashire .....	Inhabitants of Little Molton.
Kent .....	Inhabitants of Ickham.
Durham .....	Inhabitants of Ermwood & Barony.

## CROWN PAPER DAYS IN THE QUEEN'S BENCH, TRINITY TERM, 1843.

Wednesday .....	May 31	Wednesday .....	June 7
Saturday .....	June 3	Saturday .....	June 10

## Court of Exchequer.

[The list given last week being inaccurate, it is now inserted in a corrected state.]

## NEW TRIALS.

## STANDING FOR JUDGMENT.

*Moved Trinity Term, 1842.*

Davidson v. Cooper & an.

## FOR ARGUMENT.

*Moved Easter Term, 1843.*

Mason v. Bradley  
Same v. Same  
Stevenson v. Bowman  
Morgan v. Byrnes  
Ord v. Barker & ors.  
Earl of Harborough v. Kendall  
Smith v. Storey  
Saxty v. Wilkin  
Newton v. Harris  
Doe d. Earl Spencer v. Bur-  
chall  
Edwards v. Sherrer  
Doe d. Clayton v. Williams

Doe d. Davenport v. Rhodes  
Lovell v. Boyd & ors.  
Ratcliffe v. Watts  
Berwick v. Chapman  
Edwards v. Buckland  
Edwards v. Davies & ors.  
Barker v. Olivier  
Burton v. Griffiths & an.  
Findon v. Parker  
Nodding v. Cox  
Sellick v. Trever & an.  
Jacobs v. Layburn

*Moved after the 4th day of  
Easter Term, 1843.*

Harvey v. Pocock & ors.  
Same v. Same & ors.  
Bolton v. Northwood  
Kington v. Kingston  
Elsev v. Barton

## London Gazettes.

## TUESDAY, MAY 23.

## BANKRUPTS.

CHARLES COOPER and THOMAS COOPER, Strood,  
Kent, fellmongers, June 6 at 1, and July 4 at 11, Court of  
Bankruptcy, London: Off. Ass. Green; Sols. Morgan,  
Maidstone; Austin, Threadneedle-st.—Fiat dated May 17.  
CHARLES ALTAZIN, Conduit-street, Hanover-square, up-  
holsterer, June 1 at 12, and July 4 at 11, Court of Bank-  
ruptcy, London: Off. Ass. Turquand; Sol. Pike, Old Bar-  
lington-street.—Fiat dated May 18.  
JOSEPH JONES, Stafford, bookseller, stationer, and prin-  
ter, June 3 and 29 at half-past 12, District Court of Bank-  
ruptcy, Birmingham: Off. Ass. Whitmore; Sols. Phillips,  
Shiffnal; Collis, Birmingham.—Fiat dated May 17.  
THOMAS PRICE, Liverpool, baker and flour dealer, June  
1 at half-past 12, and July 4 at 11, District Court of Bank-  
ruptcy, Liverpool: Off. Ass. Turner; Sols. Littledale &  
Bardwell, Liverpool; Vincent & Co., Temple.—Fiat dated  
May 16.  
THOMAS WILLIAMS and EDWARD WILLIAMS, Li-  
verpool, linen drapers and silk mercers, June 10 and July 4  
at 11, District Court of Bankruptcy, Liverpool: Off. Ass.  
Cazenove; Sale & Worthington, Manchester; Baxter, Lin-  
coln's-inn-fields.—Fiat dated May 16.  
JOHN LAMBERT, Leeds, cloth merchant, June 1 and 27  
at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope;  
Sol. Blackburn, Leeds.—Fiat dated May 19.  
SAMUEL MUSGRAVE and BENJAMIN MUSGRAVE,  
Leeds, dyers, June 1 and 27 at 12, District Court of Bank-  
ruptcy, Leeds: Off. Ass. Fearnie; Sol. Robinson, Leeds.—  
Fiat dated May 20.

## MEETINGS.

Arthur Jarrett, Castle-street, Southwark, hat manufac-  
turer, June 16 at 2, Court of Bankruptcy, London, last ex. and  
div.—Frederic Roberts, New Bond-street, and Gower-street  
North, coal merchant, June 1 at 11, Court of Bankruptcy,  
London, last ex.—James Whiting, Seckford-street, Clerk-  
enwell, carpenter, June 2 at half-past 11, Court of Bankruptcy,  
London, last ex.—Thomas Cheslett, Gracechurch-street, Lon-  
don, hosier, May 31 at 11, Court of Bankruptcy, London, last  
ex.—Thomas Rolph, New Bridge-street, London, merchant,  
June 2 at half-past 2, Court of Bankruptcy, London, last ex.  
—F. Jenkins and J. H. Hardyman, Love-lane, Eastcheap,  
London, merchants, June 7 at 10, Court of Bankruptcy, Lon-  
don, last ex.—John Lambert Foster, Jewry-street, Algate,  
London, coach and harness maker, June 14 at 1, Court of  
Bankruptcy, London, last ex. and aud. ac.—John Pratt, Ade-  
laide-street, Strand, surgeon, June 13 at 2, Court of Bank-  
ruptcy, London, last ex.—George Fendall, Woodstock-street,  
Oxford-street, butcher, June 14 at 12, Court of Bankruptcy,

London, last ex. and aud. ac.—*James Harrington* and *Wm. Pattinson*, Woodbank, St. Cuthbert, Northumberland, calico printers, May 30 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John Whitaker*, New Church, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, May 27 at 12, District Court of Bankruptcy, Manchester, last ex.—*Isaac Wilson*, Tillingham, Essex, draper, June 16 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Stanton*, Lowestoft, Suffolk, victualler, June 16 at 11, Court of Bankruptcy, London, aud. ac.—*Edward Smith*, Southampton, grocer, June 16 at half-past 12, Court of Bankruptcy, London, aud. ac.—*John Lattimer*, Hanslope, Buckinghamshire, corn factor, June 16 at 12, Court of Bankruptcy, London, aud. ac.—*Edward Austen*, Walmer, Kent, grocer, June 13 at 1, Court of Bankruptcy, London, aud. ac.—*Jireb Thome*, George-street, Spitalfields, chocolate manufacturer, June 17 at 12, Court of Bankruptcy, London, aud. ac.—*John Theo. Linford* and *John Weeks*, Canterbury, chemists, June 24 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Jose Luis Fernandes*, *Nowell York Fernandes*, and *Joze Luis Fernandes*, jun., Wakefield, Yorkshire, corn millers, July 3 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 7 at 11, fin. div. sep. est. *J. L. Fernandes*.—*Edward Ewerall*, Liverpool, coal merchant, June 14 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*James Bonny*, Liverpool, tailor, June 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Wilkinson*, Andenshaw, Lancashire, gingham manufacturer, June 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; June 23 at 12, fin. div.—*Timothy Duggan*, St. Joseph's Print-works, Cheadle-grove, near Cheadle, Cheshire, calico printer, June 16 at half-past 12, District Court of Bankruptcy, Manchester, aud. ac.; June 17 at 12, div.—*Martha Groves*, York, widow, joiner, June 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 27 at 11, div.—*George Robson*, jun., Osbaldwick, Yorkshire, cattle dealer, June 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Richard Dunn* and *Rich. Dacre Dunn*, Wakefield, Yorkshire, corn factors, June 15 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 21 at 11, div.—*John Clapham*, Leeds, licensed victualler, July 3 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Fear* and *Henry Coward*, Bath, upholsters, June 13 at 11, District Court of Bankruptcy, Bristol, aud. ac. joint est.; June 20 at half-past 11, aud. ac. sep. est. *H. Coward*; and div. joint and sep. est.—*J. Dickenson*, Newport, Monmouthshire, butcher, June 15 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Jas. Hawarden*, *Robert Myerscough*, and *John Jackson*, Little Bolton, and Manchester, manufacturers of cotton cloth, July 15 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Rose*, Monkwearmouth Shore, Durham, grocer, June 13 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 14 at half-past 12, fin. div.—*George Forster*, Newcastle-upon-Tyne, butcher, June 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 14 at 2, div.—*T. McEntee*, Liverpool, provision merchant, June 15 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*James Meadows*, Wavertree, near Liverpool, miller, June 15 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*William Sayer*, Toxteth-park, near Liverpool, stone mason, June 17 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*T. Evans*, Denbigh, scrivener, June 17 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Parry*, Llanllwchaearn, Monmouthshire, mercer, June 17 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*John Evans*, Liverpool, coal dealer, June 15 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Scott*, Birmingham, and Moorgate-st., London, railway carriage-lamp manufacturer, June 15 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. East*, Spalding, Lincolnshire, builder, June 20 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; June 21 at half-past 12, div.—*Henry Morris*, Stourbridge, Worcestershire, grocer, June 21 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; June 23 at 11, div.—*John Bratton*, Drayton-in-Hales, Shropshire, tanner, June 21 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; June 26 at 11, div.—*John Simmons*, Atherstone, Warwickshire, furnishing ironmonger, June 21 at half-past 1, District Court of Bankruptcy, Birmingham, aud. ac.; June 23 at half-past 11, div.—*William Jones*, Wolverhampton, Staffordshire, mercer, June 20 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; June 23 at 12, div.—*John Wm. Nevill*,

Bread-street, Cheapside, Manchester warehouseman, June 16 at half-past 1, Court of Bankruptcy, London, div.—*J. Fisher*, Frinsbury, Kent, miller, June 16 at half-past 12, Court of Bankruptcy, London, div.—*Edwin Miles*, Bridge-house-pl., Newington-causeway, Surrey, saddlers' ironmonger, June 16 at 12, Court of Bankruptcy, London, div.—*Robt. Streatcher*, Cambridge-heath, Middlesex, builder, June 16 at 12, Court of Bankruptcy, London, fin. div.—*Hen. Hale*, Lamb's-conduit-street, ironmonger, June 13 at 1, Court of Bankruptcy, London, div.—*John Chas. Smith*, Hare-street, Woolwich, Kent, grocer, June 13 at half-past 11, Court of Bankruptcy, London, div.—*Beaumont Marshall*, High Holborn, tallow melter, June 13 at 12, Court of Bankruptcy, London, div.—*J. Van*, Milton next Gravesend, Kent, gold-lace manufacturer, June 24 at 12, Court of Bankruptcy, London, div.—*Rich. Payne*, Hatton-wall, Hatton-garden, brass founder, June 13 at 12, Court of Bankruptcy, London, div.—*Robt. Russell*, Kingston-upon-Thames, Surrey, upholsterer, June 17 at half-past 11, Court of Bankruptcy, London, div.—*Geo. Broeklehurst*, *Hen. Dircks*, and *John B. Nelson*, Liverpool, millwrights, June 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac. and div.—*David Hughes*, Welshpool, Montgomeryshire, lime burner, June 15 at 1, District Court of Bankruptcy, Liverpool, div.—*Robert M'Laren*, Liverpool, rectifier, June 16 at 12, District Court of Bankruptcy, Liverpool, div.—*R. Goolden*, Welshpool, Montgomeryshire, carrier, June 14 at 11, District Court of Bankruptcy, Liverpool, div.—*Chas. Pugh*, Newtown, Montgomeryshire, ironmonger, June 16 at 11, District Court of Bankruptcy, Liverpool, div.—*Hen. Alex. Jameson*, North Shields, Northumberland, linen draper, June 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Thomas Davies*, Grosvenor-street, Middlesex, draper, June 16 at half-past 1, Court of Bankruptcy, London.—*Henry Yeatman*, Bear-lane, Blackfriars-road, Surrey, victualler, June 16 at 1, Court of Bankruptcy, London.—*Geo. Harris*, Dorking, Surrey, tailor, June 15 at 11, Court of Bankruptcy, London.—*Samuel M. Long*, North-lodge-farm, Enfield, lime burner, June 15 at 2, Court of Bankruptcy, London.—*Henry Kay*, Chiswell-street, victualler, June 14 at 1, Court of Bankruptcy, London.—*John Theo. Linford*, Canterbury, chemist, June 24 at half-past 12, Court of Bankruptcy, London.—*Thos. Sanderson*, Leeds, Yorkshire, woollen draper, July 5 at 11, District Court of Bankruptcy, Leeds.—*J. C. Haddon*, Three Nuns-court, Aldermanbury, and Canonbury-villas, Islington, commission agent, July 29 at 12, Court of Bankruptcy, London.—*Edmund Smith*, Sheffield, innkeeper, July 3 at 11, District Court of Bankruptcy, Leeds.—*John Lucy*, jun., Liverpool, tailor, June 16 at 12, District Court of Bankruptcy, Liverpool.—*James Ingham*, Halifax, Yorkshire, stone mason, June 14 at 11, District Court of Bankruptcy, Leeds.—*Thos. Evans*, Denbigh, scrivener, June 16 at 1, District Court of Bankruptcy, Liverpool.—*John E. Pearson*, Sheffield, Yorkshire, wine and spirit merchant, June 14 at 12, District Court of Bankruptcy, Leeds.—*Thomas Dickson*, Thirsk, Yorkshire, linen and woollen draper, July 5 at 11, District Court of Bankruptcy, Leeds.—*Francis Allen*, jun., Bosden, Haughton, Staffordshire, brick maker, June 23 at 12, District Court of Bankruptcy, Birmingham.—*James Weldon*, Kidderminster, Worcestershire, and Bell's-buildings, Salisbury-square, London, feather merchant, June 15 at 1, District Court of Bankruptcy, Birmingham.—*Timothy Duggan*, St. Joseph's Print-works, Cheadle-grove, near Cheadle, June 20 at 1, District Court of Bankruptcy, Manchester.—*Jas. Twisse*, Manchester, power-loom cloth manufacturer, June 16 at 12, District Court of Bankruptcy, Manchester.—*Jas. Ashton*, Todmorden, Manchester, cotton spinner, June 17 at 12, District Court of Bankruptcy, Manchester.—*Nathaniel Walsh*, Over Darwen, Lancashire, paper maker, June 15 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 13.

*Wm. Whitley*, Liverpool, merchant.—*John Moss*, Haslingden, Whalley, Lancashire, cotton spinner.—*Thomas Alston*, Balderston, Lancashire, spade manufacturer.—*Jas. Pulman*, Settle, Yorkshire, wine merchant.—*Martin Stone*, Lane-end, Staffordshire, draper.

## SCOTCH SEQUESTRATIONS.

*James Young*, Alloa, china merchant.—*John McNaughton*, Edinburgh, wine merchant.—*Archibald Swinton*, Edinburgh, writer to the signet.—*Duncan Maccallum*, Glasgow, wright.—*Scott and Wotherspoon*, Glasgow, druggists.—*W. Gibson*, Arbroath, draper.—*Geo. Fairbairn*, Camelon-park, near Falkirk, Stirlingshire, nail manufacturer.

## DECLARATIONS OF INSOLVENCY.

*John Rhodes*, Morley, Batley, Yorkshire, woollen-cloth manufacturer.  
*William Henry Haviland*, Montpellier-villas, South Hamlet, Gloucester, agent for the sale of wines.  
*Samuel Smith*, Pall-mall, St. James, Westminster, gentleman's servant.  
*Benj. Milnes*, Huddersfield, Yorkshire, innkeeper.  
*J. Hipkin*, Market-hill, Attleburgh, Norfolk, sheriff's officer.  
*Frederick Benwick Williams*, Hamilton-place, Brixton-road, Lambeth, clerk to the Tregollan Mining Company.  
*Rob. Geo. Baxter*, Greenwich, Kent, hatter.  
*Joseph Ellis*, Bowling, Bradford, Yorkshire, painter.  
*Joshua Finlison*, High Wycombe, Buckinghamshire, master of the Grammar School.  
*Rob. Brade*, Bury-bridge, within Bury, Lancashire, dyer.  
*Thomas Carlisle*, Sheffield, licensed victualler.  
*William John Hammond*, Liverpool, lessee and manager of the Theatre Royal in Liverpool.  
*George Greyson*, St. James, Clerkenwell, cheesemonger.  
*The Rev. Henry Herring*, St. Peter of Mancroft, Norwich, clerk.  
*John Headington*, King-st., Richmond, Surrey, tailor.  
*Richard Cort*, Seymour-place, New-road, accountant.  
*Charles Harvey*, Lisle-street, St. Ann, Westminster, tailor.  
*James Clowsey*, Chapel-place, Park-road, Clapham, Surrey, farrier.  
*Thos. Chambers*, jun., Farthingstone, Northampton, butcher.  
*James Dawson*, Maidstone, Kent, in no profession.

## INSOLVENT DEBTORS.

*Saturday, May 20.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Joseph Pond*, Green-walk, Holland-street, Blackfriars-road, Surrey, hatter, No. 54,979 T.; *Edward Hazel*, assignee.—*J. Whitelaw*, Dulwich-common, Surrey, ornamental stone-carver, No. 53, 968 T.; *Francis James Osbaldeston*, assignee.—*Evan Evans*, Aberdare, near Merthyr Tydfil, Glamorganshire, butcher, No. 60,909 C.; *Jos. Morris*, assignee.—*Jesse Colegrave*, Sibford Ferris, Oxfordshire, butcher, No. 61,743 C.; *Thomas Hopkins*, assignee.—*Thos. Holmes*, Sheffield, Yorkshire, licensed victualler, No. 60,665 C.; *S. Mitchell*, assignee.—*Richard Palin Lewis*, Tynllan, Anglesey, gentleman, No. 62,452 C.; *Hugh Pritchard*, assignee.—*Wm. Powell*, Neath, Glamorganshire, mason, No. 62,073 C.; *David Price*, assignee.—*Hugh Carter*, Liverpool, tea-dealer, No. 61,591 C.; *Wm. Geddes*, assignee.—*Uriah Jones*, Mold, Flintshire, carpenter, No. 61,184 C.; *John Powell*, assignee.—*Thomas L. Stone*, Hanham, Gloucestershire, horse-dealer, No. 62,381 C.; *Alfred Tuckett*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, June 13 at 9.*

*John Goodall*, Mercer-street, Long-acre, coach-herald chaser.—*Edward Emery*, Harrow-road, Middlesex, mathematical assistant.—*Henry Upsher*, Golden-place, Kennington-lane, green-grocer.—*George Rugg*, Odcombe, near Yeovil, Somersetshire, grocer.—*Emanuel Willmott*, Devonshire-st., York-place, Barnsbury-park, Islington, baker.—*Seth Moor*, Chester-street, Kennington, coachsmith.—*James Holmes*, Exeter-buildings, Exeter-street, Sloane-street, Chelsea, waiter.—*John Pearce*, Bolwell-terrace, Lambeth-walk, Surrey, cheque taker at the Italian Opera House.—*Andrew Yule*, Westbourne-grove, Bayswater, goldsmith.—*John Willmott*, Lewisham, Kent, out of business.

*June 14, at the same hour and place.*

*Robert Alexander*, Darlington-place, Southwark, out of business.—*Peter Henry Nicole*, Bream's-buildings, Chancery-lane, law-stationer.

*June 15, at the same hour and place.*

*Thomas Postlewaite*, George-street, Southampton-street, Islington, bricklayer.—*Wm. Towell*, King-street, Friar-street, Southwark, carter.—*Lewis Ansell*, Tash-street, Gray's-inn-lane, licensed victualler.—*Henry Smith*, George-street, Foley-place, general chandler's shopkeeper.—*David Pinner*, Crown-street, Finsbury-square, press-maker.—*Samuel D. Evans*, Piccadilly, cabinet-maker.—*James Youngman*, Southampton-street, Camberwell, dealer in timber.—*John Gray*, Grove-lane, Camberwell-grove, Surrey, carpenter.—*Chas. J. Greenwood*, Regent-street, Kennington, Surrey, and Liverpool-street, Bishopsgate-street, City, leather-dresser.—*Wm. Williams*, Brewer-street, Somers'-town, grocer.

*Court-house, SHEFFIELD, Yorkshire, June 13 at 10.*

*Thos. W. Middleton*, Sheffield, butcher.—*Chas. Cockayne*, Sheffield, filesmith.—*Henry Wells*, Sheffield, table-knife manufacturer.—*Richard Brinnen*, Sheffield, butcher.—*J. Youle*, Sheffield, out of business.—*Wm. Jackson*, Sheffield, razor manufacturer.—*Abel Kent*, Sheffield, scissor-smith.—*W. Sykes*, Sheffield, powder-flask manufacturer.—*Ed. Battersby*, Sheffield, pen-blade grinder.—*Joseph Frith Wilkinson*, Sheffield, file-cutter.—*John Kay*, Sheffield, scale and umbrella-hook presser.—*Matthew Shaw*, Sheffield, scissor grinder.—*James Jow*, Sheffield, table-knife grinder.—*Joseph South*, Sheffield, table-blade forger.—*Wm. Wright*, Sheffield, joiner.—*Joseph Crossland*, Sheffield, razor smith.—*Wm. Chumbley*, Sheffield, watch maker.—*Wm. Ashley*, Sheffield, plasterer.—*Edmund Milner*, Sheffield, cutler.—*Joseph Beeley*, Sheffield, pen and pocket-blade forger.—*Wm. Pearson*, Sheffield, spring-knife manufacturer.—*Benj. Elliott*, sen., Sheffield, pocket-knife cutler.—*Chas. Walker*, Sheffield, cabinet-case maker.—*Thos. Newton*, Sheffield, pen-knife blade grinder.—*Benj. Unwin*, Sheffield, pen-knife blade grinder.—*Jas. Bolton*, Sheffield, French polisher.—*Geo. Jackson*, Sheffield, miner.—*Mathew Brown*, jun., Sheffield, cattle dealer.—*Jas. Greenwood*, Sheffield, joiners' tool maker.—*George Chambers*, Sheffield, file-cutter.—*James Pearson*, Sheffield, butcher.—*Joseph Hobson*, Sheffield, dealer in cutlery.

## INSOLVENT DEBTORS' DIVIDENDS.

*Robert G. Coates*, Vauxhall-row, Lambeth, undertaker, May 29, Linford's, Spring-terrace, Wandsworth-road, Surrey: 1s. 2d. in the pound.—*James Haylock*, Hinston, Cambridgeshire, schoolmaster, Kitchener's, Newmarket: 3s. in the pound.—*Daniel Chambers*, Chatham, Kent, maltster, May 29, Acworth's, Rochester: 4½d. in the pound.

## MEETINGS.

*Carl D. Raabe*, Hawley, Crescent, Camden-town, June 7 at 11, Taylor & Collisson's, Great James-street, Bedford-row, sp. aff.—*John Benjamin Jones*, Brecon, June 13 at 6, Angel Hotel, Oxford, sp. aff.—*Wm. Field*, Bankhouse-hill, Padsey, near Leeds, brick maker, June 8 at 11, Harle's, Leeds, sp. aff.

## FRIDAY, MAY 26.

## BANKRUPTS.

**JOHN OLIVER and JOHN YORK**, Stony Stratford, Buckinghamshire, bankers, June 13 and July 7 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Parrott, Stony Stratford; Cardales & Liffie, 2, Bedford-row, London.—Fiat dated May 19.  
**WILLIAM COPPER**, Reading, Berkshire, grocer, June 9 at 10, and July 7 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Murray, New London-street, Fenchurch-street.—Fiat dated May 18.  
**EDWARD CONDEN**, Milton-street, and Edward-street, Dorset-square, builder, June 1 at 11, and July 7 at 2, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Randall, Welbeck-street.—Fiat dated May 22.  
**JOHN SHICKLE**, Attleburgh, Norfolk, and Great Pulteney-street, Soho, Middlesex, corn dealer, June 6 at half-past 1, and July 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Shearman & Slater, Great Tower-street.—Fiat dated May 15.  
**GEORGE BLOOR**, Wharf-road, City-road, coal merchant, June 10 and July 7 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Fry & Co., 80, Cheapside.—Fiat dated May 23.

JOHN BARNES, Commercial-place, Commercial-road, engineer, June 10 at 11, and July 7 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. J. C. & H. Freshfield, 5, New Bank-buildings.—Fiat dated May 23.

JOSEPH HAIGH, Hare-park Mills, Hightown, near Huddersfield, Yorkshire, manufacturer of worsted and cotton goods, June 12 and July 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Hall, Manchester.—Fiat dated May 10.

JOSEPH FLETCHER, THOMAS FLETCHER, and SAMUEL DENNISTON, Elland, Halifax, Yorkshire, woolen manufacturers, June 6 and July 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Alexander, Halifax; Courtney, Leeds.—Fiat dated May 16.

DAVID THOMAS, Newport, Monmouthshire, grocer, tallow chandler, and shopkeeper, June 13 at 1, and July 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Perkins, Bristol.—Fiat dated May 12.

RICHARD ELLIS, Merlin's-bridge, Harroldstone, St. Issels, Pembrokeshire, draper and grocer, June 15 at 2, and July 13 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. W. & C. Bevan, Bristol.—Fiat dated May 11.

JOHN CLARKE and GEORGE CLARKE, Market Harborough, Leicestershire, and Ropemaker-street, London, and Burton Lattimer, Isham, and Spratton, Northamptonshire, carpet and rug manufacturers, June 7 and July 15 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Douglas, Market Harborough.—Fiat dated May 12.

HENRY ELVINS, Warwick, innkeeper and grocer, June 7 and July 7 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Morris & Wallington, or Griffin, Warwick; Nelson, New-court, Middle-temple.—Fiat dated May 20.

HENRY DENZLOE, Bridport, Dorsetshire, grocer, and wine and spirit merchant, June 9 and July 6 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Temple & Son, Bridport; Clowes & Wedlake, Temple.—Fiat dated May 20.

HENRY CRABTREE and JOHN MOORE, Dewsbury, Yorkshire, carpet manufacturers, June 12 and July 3 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Marriott, Manchester; Dixon, 5, New Boswell-court, Lincoln's-inn.—Fiat dated May 10.

JOHN DENT, Burnley, Lancashire, grocer and tallow chandler, June 21 and July 7 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Bollard & Mitchell, Burnley; Gregory & Co., Bedford-row, London.—Fiat dated May 23.

FRANCIS MARSEILLES LUCKMAN, Manchester, and Liverpool, linen draper and hatter, June 13 and July 12 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Saunders, Manchester; Makinson & Sanders, Temple.—Fiat dated May 17.

CHARLES THOMAS DUNLEVIE, Liverpool, corn factor and merchant, June 8 and 30 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Lowndes & Co., Liverpool; Sharpe & Co., Bedford-row, London.—Fiat dated May 20.

JOHN LUTAS, New Brighton, Liscard, Cheshire, coal dealer and retail beerseller, June 13 at 1, and July 4 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Hostage, Liverpool; Chester & Co., Staple-inn.—Fiat dated May 15.

WILLIAM HENDERSON, North Shields, Northumberland, pipe manufacturer, grocer, and file cutter, June 2 and July 13 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Barkers & Fenwick, North Shields; Lever, 10, King's-road, Bedford-row, London.—Fiat dated May 18.

#### MEETINGS.

John Stevens and R. H. W. Drummond, Rhodeswell-wharf, Mile-end, road contractors, June 13 at half-past 1, Court of Bankruptcy, London, pr. d.—Henry Thompson, Bristol, saddler, June 1 at 12, District Court of Bankruptcy, Bristol, ch. ass.—Edward Turmaine, Canterbury, porter and ale merchant, May 30 at 11, Court of Bankruptcy, London, last ex.—Alexander Winton, David Winton, and James Webber, Wood-street, Cheapside, warehousemen, June 6 at 11,

Court of Bankruptcy, London, last ex.—Robert Dempsey Sothorn, Saint Helens, Lancashire, ship builder, June 19 at 11, District Court of Bankruptcy, Liverpool, last ex.—Thomas Wrigley, Westeroft-mills, King-cross, Halifax, Yorkshire, silk-waste spinner, June 14 at 12, District Court of Bankruptcy, Manchester, last ex.—Richard Mason, St. Alban's, Hertfordshire, corn dealer, July 1 at 12, Court of Bankruptcy, London, aud. ac.—Richard Shepherd, Liverpool, shoe maker, June 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Thomas M'Conkey and Andrew Hois, Lambeg, Downshire, bleachers, June 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—Samuel Appleyard, Manchester, stuff merchant and warehouseman, June 13 at 12, District Court of Bankruptcy, Manchester, aud. ac.—T. Watson, Great Driffeld, Yorkshire, tailor, June 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 22 at 11, div.—Jonathan Nash and Robert Lucas Nash, Bristol, brewers, June 16 at 1, District Court of Bankruptcy, Bristol, aud. ac.; June 20 at 1, div. sep. est. Jon. Nash.—A. Wyse, Ford-house, Woborough, N. Baker, Newton Bushell, Highweck, and Wm. S. Bentall, Totness, Devonshire, bankers, June 22 at half-past 11, District Court of Bankruptcy, Exeter, aud. ac.; June 23 at half-past 11, div. sep. est. N. Baker; June 22 at 12, aud. ac.; June 23 at 12, div. sep. est. W. S. Bentall; June 22 at 11, aud. ac.; June 23 at 11, div. sep. est. A. Wyse.—Wm. Hannaford and N. Prettejohn, Kingsbridge, Devonshire, and Portsmouth, Hampshire, cattle dealers, June 21 at 1, District Court of Bankruptcy, Exeter, aud. ac.; June 22 at 1, div.—Wm. Blaxland, Birmingham, woollen-draper, June 17 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—Robt. Nicholls and J. Groves, Stamford, Lincolnshire, woollen-drappers, June 19 at 11, District Court of Bankruptcy, Birmingham, div.; June 21 at half-past 11, aud. ac.—Roger Pocklington, Winthorpe, Nottingham, and Wm. Dickinson, Newark-upon-Trent, bankers, June 22 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—John H. Thompson, Newcastle, Staffordshire, silk-throwster, June 16 at 2, Court of Bankruptcy, London, div.—Wm. Castle, Wanborough, Wiltshire, sheep-dealer, June 16 at 11, District Court of Bankruptcy, Bristol, div.—John Yarrad, jun., Spalding, Lincolnshire, grocer, June 19 at 1, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

Henry Bentlif, Maidstone, Kent, linen-draper, June 20 at half-past 12, Court of Bankruptcy, London.—J. D. Binks, Workson, Nottinghamshire, innkeeper, July 7 at 11, District Court of Bankruptcy, Leeds.—A. Brain, Bedwelty, Monmouthshire, shopkeeper, June 27 at 11, District Court of Bankruptcy, Bristol.—John Feltham, Sydling, St. Nicholas, Dorsetshire, miller, June 21 at 12, District Court of Bankruptcy, Exeter.—Ralph Wharton, Nottingham, engineer, June 20 at half-past 11, District Court of Bankruptcy, Birmingham.—Wm. Dakin, Manchester, paper dealer, June 19 at 12, District Court of Bankruptcy, Manchester.—John Buxton, Manchester, builder, June 19 at half-past 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 16.

Wm. Jones, Park, near Cardiff, Glamorganshire, ship-builder.—Ed. Morris, Brighton, Sussex, Tunbridge ware manufacturer.—Wm. Thompson, Rawdon, Yorkshire, cloth manufacturer.—John Millard, Cheltenham, Gloucestershire, upholsterer.—Robert Salkeld, Fontmell Magna, Dorsetshire, clerk.—Robert M'Gregor, Chester, grocer.—George Robson, jun., Osbaldwick, Yorkshire, cattle dealer.—Chas. Parkins, Leeds, Yorkshire, worsted spinner.—Thos. Hughes, Great Coram-street, Brunswick-square, lodging-house keeper.—G. Herring, Rochdale, Lancashire, iron-founder.—James Earp, St. George's-place, Camberwell, Surrey, licensed victualler.—Jos. Tomkinson, Manchester, joiner.—John Duncan, Lombard-street, cloth merchant.—John Harper, Monmouth Cap, Langva, Monmouthshire, innkeeper.—Abraham L. Franklin, Liverpool, bullion merchant.—Wm. Streeter, Brighton, Sussex, licensed victualler.—John North, Mold-green, near Huddersfield, Yorkshire, fancy cloth manufacturer.—Abraham Longstaff, Roughton, Lindsey, Lincolnshire, auctioneer.—E. Austen, Walmer, Kent, grocer.—Francis Carey, Nottingham, hatter.

## FIAT ANNULLED.

*Thomas Brennand*, Blackburn, Lancashire, linen-draper.

## PARTNERSHIPS DISSOLVED.

*Wm. Elliott Le Blanc*, *Arthur Le Blanc*, and *George S. Cook*, New Bridge-street, London, attorneys and solicitors.—*George W. Grove* and *Harry Harris Pitman*, Exeter, attorneys at law and solicitors in equity.

## SCOTCH SEQUESTRATIONS.

*Livingston and Swan*, Glasgow, builders.—*John Johnston*, Leith-walk, Edinburgh, coach-builder.—*Wm. Thornton*, Dundee, merchant.—*Wm. Martin*, Montrose, salmon fisher and fish curer.

## DECLARATIONS OF INSOLVENCY.

*William Bates*, Liverpool, commission-agent.  
*John Churchward*, Buckfastleigh, Devonshire, innkeeper.  
*James Weeks*, Torquay, Tormoham, Devonshire, butcher.  
*Robert Kirke*, Pontarŷulais, Llanedi, Carmarthenshire, coal agent.  
*Richard Kirk*, Gravesend, Kent, foreign and English fruiterer and poulterer.  
*George Farley Wynter*, Olney, Buckinghamshire, grocer.  
*Henry Smart*, Island, Gloucestershire, sheriff's officer.  
*Josiah Crouch*, St. Augustine, Bristol, huckster.  
*Carnaby Thomas Ansdell*, Lowestoft, Suffolk, dealer in hay.  
*Henry Joiner*, Vineyard-walk, Clerkenwell, baker.  
*Francis Alderson*, Bradford, Yorkshire, beer seller.  
*John Senior*, Batley, Yorkshire, working clothier.  
*Thos. Blackburn*, Heckmondwike, Birstall, Yorkshire, blanket manufacturer.  
*Agnes Dawson*, widow, Liverpool, boarding-house keeper.  
*John Garrard*, Hackney-road, St. Leonard, Shoreditch, general dealer.  
*Ebenezer Morris*, Llanelly, Carmarthenshire, clerk.  
*Thomas Aeneas Maveo*, Gleadthorpe, Warsop, Nottinghamshire, manager of a farm.  
*William Monk*, Blackburn, Lancashire, coach proprietor.  
*Stephen Hayman Mitchell*, Bradpole, Dorsetshire, shopman.  
*Thomas Higgins*, Dudley, Worcestershire, stationer.  
*James Hobday*, Stanmore, Middlesex, plumber.  
*Thomas Stigger*, Kingsdown, Kent, blacksmith.  
*Thomas Jones*, Birmingham, druggist.  
*W. Theobald*, Chorlton-upon-Medlock, Manchester, grocer.

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 16 at 9.*

*John N. Sayers*, East-st., Manchester-square, letter-press printer.—*Wm. Wilson*, jun., Webber-st., Blackfriars-road, Surrey, out of employment.—*Wm. Taylor*, Park-road, Clapham, Surrey, carpenter.—*George B. Phillips*, Cook's-court, Carey-street, Lincoln's-inn-fields, law writer.—*Rich. Thos. Burrridge*, Walcot-place East, Lambeth, Surrey, painter.—*T. Johnson*, Dean-street, Holborn, horse dealer.—*Jas. Marshall*, Brownlow-street, Drury-lane, cabinet maker.—*Edwd. Smith*, George-street, Bagnigge-wells-road, gentleman's servant.—*G. Boothby*, Paradise-row, Brewer's-green, Westminster, Chelsea pensioner.—*J. Stanley*, Northfleet, Kent, licensed victualler.

## Adjourned.

*Morgan Jones*, President-street East, King-sq., Goswell-road, out of business.

*June 17, at the same hour and place.*

*John Anderson*, Camera-square, Chelsea, selling cigars on commission.—*Felix N. Target*, Upper Stamford-st., Blackfriars-road, Surrey, artist.

*June 19, at the same hour and place.*

*John Kingman*, New Park-street, Southwark-bridge-road, Southwark, waterman.—*George F. Huston*, Whitewell, near Welwyn, Hertfordshire, surgeon.—*Wm. Drew*, Spa-cottages, Green-terrace, Islington, out of business.—*William Soune*, Denmark-street, Soho, dye sinker.—*John C. Honey*, Montpelier-place, Brompton, carpenter.—*John Cramer*, Chick-sand-street, Mile-end New-town, baker.—*Mark J. Nordon*, Mount-street, Westminster-road, fruiterer.—*Wm. R. Porter*, Nottingham-court, King-street, Long-acre, coffee roaster.—

*Hen. J. Hopkins*, Lower Ebury-street, Pimlico, shopman to a boot maker.—*Edm. Nichols*, Commercial-road East, out of business.—*John Newsam*, Union-street, Pimlico, out of business.—*Claude H. Saclier*, Tottenham-court-road, timber merchant.—*John Burney*, Oakley-street, Lambeth, tailor.—*Alf. Brett*, Holborn-bars, clerk and cellarman.—*W. Warren*, Catherine-street, Commercial-road East, sheriff's yeoman.

*Court-house, WAKEFIELD, (Yorkshire), June 16 at 10.*

*Charles Greenhow*, Greenthorpe, butcher.—*Wm. Walker*, Cheapside, Serwen with Tentergate, Knarsborough, stone mason.—*Jos. Haigh*, Golcar, near Huddersfield, clothier.—*Benjamin Wilson*, Leeds, carrier's porter.—*Wm. Hattersley*, Leeds, millwright.—*Henry Hargreaves*, Leeds, butcher.—*E. Kershaw*, Wadsworth-house-mill, Haworth and Bradford, wool sorter.—*H. Thornhill*, Leeds, out of business.—*T. Bywater*, Quarry-hill, Leeds, joiner.—*Mary Walker*, Bramhope, near Otley, beer seller.—*Wm. Wood*, Beeston Roys, near Leeds, victualler.—*John Whaley*, Woodhouse, Leeds, out of business.—*Sam. Croft*, Holbeck, near Leeds, boot-tree manufacturer.—*Sam. Carlton*, Beeston, near Leeds, wheelwright.—*Thos. Taylor*, Dudley-hill, near Bradford, out of business.—*John Allison*, Hunslet, near Leeds, potter.—*Jas. Thompson*, Kirk-stall-road, Leeds, cloth presser.—*Geo. Dean*, Seacroft, near Leeds, farmer.—*Thos. Wright*, Leeds, out of business.—*John Hargreaves*, Holbeck, near Leeds, out of business.—*John Beaumont*, Kirkheaton, near Huddersfield, fancy weaver.

*June 17, at the same hour and place.*

*Rich. Livesey*, Sandal Magna, near Wakefield, out of business.—*Thos. Grawwell*, Briggate, Leeds, out of business.—*Jas. Rayner*, Idle, near Bradford, farmer.—*Joseph Arncliffe*, Halifax, out of business.—*Wm. Robinson*, Earlsheaton, near Dewsbury, blanket manufacturer.—*Wm. Walker*, Linthwaite, near Huddersfield, out of business.—*Th. Wooffendall*, Heckmondwike, near Leeds, out of business.—*John Thornton*, Eccleshill, farmer's bailiff.—*Joseph Tyerman*, Drax, near Selby, publican.—*Samuel Farrer*, Bradford, stone mason.—*Richard Harrap*, Leeds, attorney's clerk.—*Thomas Smith*, Ouzlewell-green, near Wakefield, twine spinner.—*John Ingham*, Horsforth, near Leeds, out of business.—*Jos. Crossley*, jun., Halifax, tailor.—*Samuel Taylor*, Spring-mill, near Huddersfield, cotton bleacher.

*June 19, at the same hour and place.*

*William Leake*, Hoyle-mill, near Burnley, carpenter.—*F. Garfitt*, Swinton, near Rotherham, out of business.—*J. Pool*, Staveley, near Boroughbridge, publican.—*Edward Bates*, Osmondthorpe, near Leeds, woolstapler.—*Rich. Senior*, Hatton, near Leeds, publican.—*Thomas Halliday*, Addingham, book-keeper.—*Geo. Stanforth*, Handsworth, near Sheffield, out of business.—*Geo. F. Foden*, Leeds, woolstapler.—*W. Hawkin*, Sheffield, out of business.—*Wm. Jaques*, Cumblesforth, near Selby, out of business.—*Wm. Hogg*, Boroughbridge, out of business.—*Joseph Ellis*, Sheffield, publican.—*Jeremiah New*, Sheffield, manager to a saw manufacturer.—*Lock. M. Clemen*, Bradford, tea dealer.—*Thos. Davidson*, Ripon, wood turner.

## INSOLVENT DEBTORS' DIVIDENDS.

*Alex. B. Greig*, Arundel-street, Strand, consulting surgeon in the navy, May 30, Dowden's, Upper Eaton-street, Pimlico 4½d. in the pound.—*John Philpot*, Beckford-place, Walworth, cheesemonger, at Parry & Baseley's, Holborn-hill: 1d. in the pound.

## MEETINGS.

*Pierce Long*, High-street, Deptford, Kent, attorney at law June 12 at 12, Watson's, 12, Trafalgar-sq., Charing-cross, sp. affairs.—*Ambrose Cooper*, Princes-street, Stamford-street, Blackfriars-road, harness maker, June 17 at 11, Hale's, Bath sp. affairs.

The Lord Chief Justice of the Court of Common Pleas, at Westminster, has appointed Francis Harding Gell, of Lewes, in the county of Sussex, Gentleman, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, under the Act passed for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance, in and for the county of Sussex.—*Gazette*, May 23.

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# The Jurist

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LONDON, JUNE 3, 1843.

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LONDON, JUNE 3, 1843.

Our readers will probably have observed, that, in the debate which took place on the 24th instant on Sir G. Grey's motion for leave to bring in a Bill to amend the Law of Charities, the Attorney-General, in pressing upon the honourable member the withdrawal of his motion, intimated that the Government would be prepared to bring in a comprehensive measure for the same object.

That such a measure is much wanted has been felt for a very long time, nothing being clearer than that an immense mass of property destined for charitable, and particularly for educational purposes, is ill-administered. In some cases, from gross and scandalous breach of trust; in many, from supineness; and in still more, not by reason of any indisposition on the part of the trustees of charities to do their duty, but from the difficulty approaching impossibility of doing it technically pursuant to the expressed intention of the founders, and the non-existence of any controlling power of sufficient authority to direct them and hold them harmless in the substantial execution of duties consistent with the spirit of the charity intended to be administered.

Of all the perplexing cases that harass the minds of equity judges, none exceed cases upon charities, which frequently impose upon them the unsatisfactory duty of deciding upon probabilities, and determining the application of large incomes not in the way that a donor has prescribed, not in the way that they would perhaps intrinsically deem most advisable, not according to any specific authorities, or precise and settled rules of law, but upon some conclusion founded on a combination of these considerations.

A notable instance of this harassing species of case was the very recent case of *The Attorney-General v. The Traders Company*, (2 Bea. 313, and 1 Cr. & Phill. 380). In that case a testator had bequeathed in the

year 1723 property to one of the Companies of the city of London, on trust to apply the interest of a moiety "unto the redemption of British slaves in Turkey or Barbary;" one-fourth to charity schools in London and its suburbs; and in consideration of the care and pains of the Company, the remaining fourth towards necessitated decayed freemen of the Company. The reports do not state the amount of the sum originally bequeathed; but in consequence of the non-existence of any British subjects, slaves in Turkey or Barbary, and of the very proper prudence of the Company in declining of its own authority to apply to any other purpose the funds directed by the donee to be applied to that specific purpose, a large accumulated fund had been produced in 1829, amounting to upwards of 100,000*l.* 3*l.* per cents., and the annual income of the moiety of the estates was nearly 1000*l.* a year. Under these circumstances an information was filed, and it became necessary for the court to determine what was to be done with these funds. The Master, to whom it was referred, found that there were no British subjects held in slavery in Turkey and Barbary to be redeemed; and reported that the income should be appropriated to the two other charitable purposes secured by the founder. Sir J. Leach, on the report coming before him, thought the court had no authority to apply the income in question to any purpose inconsistent with the intentions of the testator expressed, as to the application of the moiety of the rents to the redemption of British slaves in Turkey and Barbary, and referred it back to the Master to approve of a scheme to be laid before Parliament. Lord Brougham on the contrary thought that the court had jurisdiction to apply such surplus income cypres. Lord Langdale, M. R., had subsequently to consider what was a proper cypres application, and thought that the principle of applying the surplus funds to the first and third objects of the testator's will, was a sound one, and Lord Chancellor Cottenham ultimately held, that, after

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setting apart a fund to provide for the redemption of any British subjects who might thereafter be held in slavery in Turkey or Barbary, a proper cypres application of the surplus would be to charity schools in England, without any restriction as to place.

It is impossible to read this case without seeing how infinitely perplexed the judges were with the difficulty of determining what was judicially proper to be done; where in point of fact the total and long-continued annihilation of every subject of donation really resembling that which the testator had specifically contemplated, made it almost a matter of guess for a judge to discover what was the nearest approximation to the intention.

It is impossible also not to see that in such a case, inasmuch as no judge could ground his determination on anything but his own individual idea of what was fit, so no decision would be likely to be satisfactory to the suitors, as long as the extent of the funds would justify appeals; and that if in such a case the fund has been a few thousands instead of being 100,000*l.* and more, the charity must have remained unadministered, or administered at the personal risk of the trustees; or, having regard to the cost of charity proceedings in Chancery, must have been annihilated in the attempt to obtain judicial directions.

Again, with regard to charitable foundations for education, grammar schools and the like,—in a great variety of the cases, the administration of which has been brought before the court, the difficulty has been this: that a departure from the strict interpretation of the donor's language has been going on sometimes, for a very long period, without any opposition from any party; and then, upon an application to the court to regulate a scheme, the court has been perplexed between the strict expression of the intention of the donor, the construction put upon it by long uninterrupted usage, and the increased or varied wants of the objects of the charity, dependent on the greater or less change in the constitution of society generally, or of the particular local society, the members of which were originally intended to be benefited.

Of this a striking instance is the case of *The Attorney-General v. Earl of Stamford*, (4 Jur. 1102; and ante, 359); a case no doubt familiar to many of our readers. In that case, a school had been founded in the 7 Hen. 8, for instructing in grammar "pueros et infantes" in the town of Manchester; and the deeds contained a direction that the master should always appoint one of his scholars to instruct and teach in one end of the school, all infants that should come there to learn "their A B C, primer and sorts." And by an act 16 Hen. 8, it was provided that the school should be for the "teaching of all infants and others that shall come to the school, their A B C, primer and sorts, until they be in grammar."

The property of this charity having in the course of centuries greatly increased, and the state of the town which was the object of the testator's bounty having undergone also an entire change, the question of settling a scheme for it came before the Court of Chancery in 1833. The scheme then proposed and adopted was, to introduce into this grammar school instruction in the English language and arithmetic, writing, mathematics, English literature, foreign languages, and modern arts or sciences. This scheme came before Lord

Chancellor Cottenham in 1839, and though it was not in detail approved, the principle of adapting it to communicate general instruction was recognised by Lord Cottenham, and subsequently by the present Lord Chancellor, on a rehearing of the cause. (See ante, p. 359). It is quite plain from this case, that, by the combined effect of usage and the application of a series of encroachments upon the old doctrines in grammar-school cases, the court has at length acquired a species of jurisdiction to depart almost entirely from the expressed intention of the founder of a school; and such a jurisdiction, if it rested on the broad basis of an authority directly vested in the court so to depart from the intention of an ancient founder, might be most beneficial; but as it is, it is a jurisdiction founded on gradual encroachments, and never suffered to pass uncontested, so that still each such case stands on its own merits.

All this absence of admitted jurisdiction, and assumption de facto of a jurisdiction, founded on refined distinctions, and most nice balancing in every new case of conflicting authorities, and that, not in general with a view to find where lies the weight of authority, but for the purpose of getting rid of them all, and making a step in advance, is productive of infinite uncertainty in the adjudication on charities. Far better would it be, as it appears to us, to give to the Court of Chancery a discretion verging on the borders of absolutism, than to have the jurisdiction in its present state.

The great defects then of the present state of the law relating to charities seem to be two: The first is the general absence of any person whose duty it is to inquire into their condition, and bring it from time to time before the tribunals authorized to deal with it. It is the duty of the Court of Chancery to regulate charities, (consistently, of course, with the trusts declared by the founders, and the rules of the Court in construing such trusts), when called upon to interfere; but it is not its duty to interfere without being called upon. It is the right of any person interested to set the Court of Chancery in motion; but it is not the duty of any person to do so; and consequently, inasmuch as, in the great majority of charities, the benefits of a small or moderate fund are to be diffused among many claimants, it occurs most frequently that there is no one with a sufficient quantity of interest in the due administration of a charity to be willing to incur the trouble and risk of bringing its affairs before the Court. Hence charities innumerable have gone on, and, unless the law be most materially altered, will still go on for generations, dependent for their due administration on the supervision of trustees, who are practically irresponsible, and led almost naturally to forget that they have any *cestuis que trust*.

The second leading defect is, the insufficiency of the powers of the Court of Chancery to mould the administration of Charity funds to the varying condition of the substantial objects of donation. The Court has, it is true, by its decisions on the cypres doctrine, and according to the course of modern authorities on the subject of educational charities, gone a great way in carrying into effect the *general intention of beneficence* of ancient founders of charities. But the Courts have done so with much difficulty and reluctance, and have only

as we think we have shewn, been able to render their authority extensively useful, by introducing a fatal principle of vagueness into the very foundation of judicial determination.

## Imperial Parliament.

### HOUSE OF LORDS.

*Tuesday, May 30.*

The Lord Chancellor laid on the table a Bill respecting the Limitation of Actions, similar to that introduced last year.

*Thursday, June 1.*

Lord Brougham laid on the table a Bill for the purpose of enabling a person in possession of an estate, and dreading lest he might be hereafter disturbed, in the absence, by death or otherwise, of evidence to support his title, or a person not being in possession, who was wishing to obtain possession, to have an opportunity of procuring a declaratory decision of a court of law or equity, setting forth all the circumstances of his case for the purpose of settling at once conclusively, and for ever, his title. Such a practice existed according to the law of Scotland, and was in that country found extremely useful.

Lord Campbell brought up the report of the Committee on the Law of Defamation for Libel, and on moving that it be printed, stated to their Lordships the substance of the report. The Committee reported that it was not expedient to interfere with public prosecutions for libel; but they recommended an alteration in the law for the purpose of checking the practice of invading the privacy of domestic life. They proposed that there should be some remedy generally for spoken as well as for written libel. They proposed that, in a civil action, the plea of truth of the matter alleged should not be an absolute bar; but that it should be for the judge and jury to determine whether the occasion warranted the publication of such truth. They proposed that, when a libel had found its way into a public paper, and the editor or proprietor tendered an apology and pecuniary amends, by payment of a sum of money into court, then, unless the jury thought the apology and amends insufficient, if the plaintiff went on with the action, the verdict should be for the defendant.

The Committee proposed to divide libels into three classes. The first, when an attempt was made to extort money by the threat of a libel, and the money not being paid, the libel was published. It was proposed to punish in this case by fine and imprisonment with hard labour, at the discretion of the court.

The second, where a libel was published not only false but known by the publishers to be false. This it was proposed to punish by fine and imprisonment for two years.

The third, where there was no proof that the defendant knew the libel to be false, but yet he published it maliciously; for this it was proposed to punish by fine and imprisonment.

As to publication of parliamentary and judicial proceedings. It was proposed, with regard to parliament, that while strangers were excluded it should be a breach of privilege to publish the proceedings; but that it should be lawful to publish all proceedings taking place whilst strangers were admitted to be present.

That it should be lawful to publish ex parte applications before magistrates in matters within their jurisdiction, but not where the magistrate has no jurisdiction.

It was proposed that the purchase of a publication at the shop or office of the party publishing should not be conclusive evidence against such publisher, but that he should be admitted to give evidence to rebut such *prima facie* proof of his sanction or direction.

It was proposed, that, in all prosecutions for libel, whether by indictment or by criminal information, if the verdict or judgment passed for the defendant, he should be entitled to recover costs.

With regard to the publication of proceedings in criminal trials, it was proposed, that it should be lawful to publish fair and faithful accounts of the portions of the proceedings from time to time, before they were concluded.

Lastly, for the purpose of checking the publication of those newspapers which subsist by slander, and evade punishment by setting up men of no substance to defend actions, it was proposed, that the securities now required to be given at the Stamp Office for the payment of stamp duties should be ex-

tended to the payment of damages and costs, in any case where a civil action was brought. The Committee had reason to believe, that no existing journal of respectability would object to such a claim, and it could be no hardship on any respectable persons intending to invest capital in the establishment of any new journal.

### HOUSE OF COMMONS.

*Monday, May 10.*

A motion for a Select Committee to inquire into the state of the laws respecting Joint-Stock Companies, (except for banking), with a view to the greater security of the public, was made and agreed to.

## London Gazettes.

**TUESDAY, MAY 30.**

### BANKRUPTS.

JOHN OGILVY PALMER, Liverpool, music seller, and dealer in musical instruments, June 8 at 11, and July 7 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Theobald, 2, Staple-inn, Holborn.—Fiat dated May 23.

HENRY WEBSTER BLACKBURN, Bradford, Yorkshire, woolstapler, July 7 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Morris, Bradford.—Fiat dated May 24.

JOHN GIBBS, St. Sidwell, Exeter, tailor, June 15 and July 12 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Hooper, Exeter; Clipperton, Bedford-row, London.—Fiat dated May 23.

JOSEPH ALLEN, GEORGE ALLEN, and HENRY ALLEN, Birmingham, drapers, June 16 and July 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Hampson, Manchester; Stubbs & Rollings, Birmingham.—Fiat dated May 22.

CHARLES ROBSON, Shotley-bridge, Durham, miller and grocer, June 19 at 1, and July 12 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Philipson, Newcastle-upon-Tyne; Meggison & Co., 3, King's-road, Bedford-row, London.—Fiat dated May 22.

### MEETINGS.

Angus Duncan and Chas. Duncan, Tokenhouse-yard, London, merchants, June 21 at 1, Court of Bankruptcy, London, pr. d.—George Butler, Witham, Essex, builder, June 23 at 11, Court of Bankruptcy, London, last ex. and aud. ac.—Jas. Cole Walne, Stowmarket, Suffolk, wine and hop merchant, June 21 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—Thomas Pottinger, Island of Jersey, Henry Howell, Charles-st., Manchester-square, and Alexander Oswald, Adelaide-row, Hampstead, merchants, June 21 at 11, Court of Bankruptcy, London, last ex. and aud. ac.—William Aslett, Bitterne, South Stoneham, Southampton, grocer, June 8 at half-past 12, Court of Bankruptcy, London, last ex.—J. Hutton, Ringwood, Southampton, draper, June 8 at half-past 11, Court of Bankruptcy, London, last ex.—T. Cartwright, Heaton Norris, Lancashire, banker, June 14 at 1, District Court of Bankruptcy, Manchester, last ex.—Geo. Chadwick, Heywood, Lancashire, publican, June 27 at 12, District Court of Bankruptcy, Manchester, last ex.—John Whitaker, New Church, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, June 3 at 12, District Court of Bankruptcy, Manchester, last ex.—Edward Hilton and Nathaniel Walsh, Over Darwen, Lancashire, paper makers, July 4 at 12, District Court of Bankruptcy, Manchester, last ex. sep. est. Edward Hilton.—George Walker, Newcastle-upon-Tyne, ship broker, June 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Henry Laybourn, Hartlepool, Durham, ship broker, June 16 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—J. Fletcher, Maryport, Cumberland, boiler manufacturer, June 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—John Haslop, Morpeth, Northumberland, grocer, June 12 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—Joseph Pickering, Bedford, upholsterer, June 22 at half-past 11, Court of Bankruptcy, London, aud. ac.—H. Clarke, George-street, Mansion-house, London, lock manufacturer, June 22 at 12, Court of Bankruptcy, London, aud. ac.—Edw. Perkins, Bridport-place, Hoxton, corn dealer, June 22 at 11, Court of Bankruptcy, London, aud. ac.—Samuel Maw Long, North

Lodge Farm, Enfield, lime burner, June 22 at 11, Court of Bankruptcy, London, aud. ac.—*L. E. Parkins*, Bicester Market End, Oxfordshire, chemist, June 22 at 12, Court of Bankruptcy, London, aud. ac.—*Thos. Hutchins*, Andover, Southampton, common carrier, June 22 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Paters*, Colchester, Essex, hair dresser, June 22 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. Burton*, Cambridge, draper, June 22 at 1, Court of Bankruptcy, London, aud. ac.—*Fred. Mullett*, St. Mary Axe, merchant, June 19 at 1, Court of Bankruptcy, London, aud. ac.; June 22 at 2, div.—*Wm. Humphrey*, Old Dorset-place, Clapham-road, Surrey, dealer in furniture, June 19 at 12, Court of Bankruptcy, London, aud. ac.—*James Hunnybun*, Cambridge, ironmonger, June 23 at half-past 11, Court of Bankruptcy, London, aud. ac.—*George Coates*, Hart-street, Bloomsbury, apothecary, June 22 at half-past 12, Court of Bankruptcy, London, aud. ac.; June 23 at half-past 12, div.—*George Henry Watson*, Stourmount-cottage, Moscow-road, Bayswater, apothecary, June 22 at 1, Court of Bankruptcy, London, aud. ac.; June 23 at 1, div.—*Robert Percival*, Hockerill, Bishops Stortford, Hertfordshire, innkeeper, June 22 at 12, Court of Bankruptcy, London, aud. ac.; June 23 at 11, div.—*John W. Jones*, Calne, Wiltshire, tailor, June 23 at 12, Court of Bankruptcy, London, aud. ac.—*Thomas Patton*, Swan-street, Newington, Surrey, ironfounder, June 20 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Thos. Charles Clarkson*, Commercial-road, Lambeth, Surrey, tanner, June 22 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Henry Blackman*, Cranbrook, Kent, grocer, June 22 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Chas. Wm. Walthew*, Poultry, London, chemist, June 20 at 1, Court of Bankruptcy, London, aud. ac.—*James Nutter*, Cambridge, miller, June 22 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Crosby*, *Benj. Vallentine*, and *Benj. White*, Houndsditch, and Leadenhall-st., London, and Birmingham, hardwaremen, June 19 at half-past 12, Court of Bankruptcy, London, aud. ac.; June 20, fin. div.—*Nathan. W. Corp*, Yarmouth, Norfolk, merchant, June 23 at 3, Court of Bankruptcy, London, aud. ac.—*Edw. De Carle*, Norwich, stone mason, June 23 at 12, Court of Bankruptcy, London, aud. ac.—*Wm. S. Batson*, *John Wilson*, and *John Langhorn*, Berwick-upon-Tweed, bankers, June 21 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 22 at 11, div. joint. est.; June 21 at 12, aud. ac.; June 22 at 1, div. sep. est. *John Wilson*.—*Wm. Bell*, Bridlington, Yorkshire, merchant, June 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 22 at 11, div.—*Abr. Longstaff*, Roughton, Lincolnshire, auctioneer, June 22 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 27 at 11, div.—*John Spence*, Alford, Lincolnshire, gas manufacturer, June 22 at 12, District Court of Bankruptcy, Leeds, aud. ac.; June 27 at 12, first and fin. div.—*Dav. Bolton*, Kingston-upon-Hull, corn merchant, July 11 at 12, District Court of Bankruptcy, Leeds, aud. ac.; July 18 at 12, div.—*John Williamson* and *Thos. Rishworth*, jun., Keighley, Yorkshire, worsted spinners, June 20 at 12, District Court of Bankruptcy, Leeds, aud. ac. and div.—*W. Mason*, Boston, Yorkshire, corn dealer, June 20 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 22 at 11, div.—*Jos. Wilson*, Manchester, warehouseman, June 28 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Thos. Bagshaw*, Buxton, Derbyshire, innkeeper, June 28 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*Chas. Moltram*, Liverpool, wool broker, June 23 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Edw. Parker West*, Stamford, Lincolnshire, grocer, June 21 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; June 22 at 11, div.—*John Jenks*, Nottingham, lace manufacturer, June 24 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Ambrose Brooks*, Newport, Shropshire, scrivener, June 22 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; June 24 at 11, div.—*W. Cooper*, Kidderminster, carpet manufacturer, June 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*J. Cooper*, Keele, Staffordshire, tailor, June 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Harry C. Jeffreys*, Much Wenlock, Shropshire, miller, June 26 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Davies*, Wellington, Shropshire, plumber, June 26 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Chas. Fates*, Stafford, banker, June 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John Smith*, Hoo-mills,

Haselor, Warwickshire, dealer and chapman, June 26 at half past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Edw. Dunn*, Wolsley, Colwick, Staffordshire, innkeeper, June 30 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Jas. Stubbs*, Worthing and Brighton, Sussex, coach maker, June 21 at half-past 1, Court of Bankruptcy, London, div.—*Rich. A. Jones*, Friday-street, Cheap-side, London, linen man, Manchester warehouseman, June 21 at half-past 2, Court of Bankruptcy, London, div.—*Wm. Smith*, Leeds, glass merchant, June 20 at 11, District Court of Bankruptcy, Leeds, first and fin. div.—*Edwd. Butler*, Carrington, Basford, Nottinghamshire, iron merchant, July 27 at 11, District Court of Bankruptcy, Leeds, div.—*D. Thomas*, Manchester, merchant, June 15 at 1, District Court of Bankruptcy, Manchester, div.—*Samuel Appleyard*, Manchester, stuff merchant, June 27 at 12, District Court of Bankruptcy, Manchester, div.—*Geo. L. Thomas*, Wem, Shropshire, grocer, June 16 at half-past 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Wm. Mott*, Regent-st, Piccadilly, laceman, June 22 at 2, Court of Bankruptcy, London.—*Charles Honey*, Littlemoon Oxfordshire, corn dealer, June 22 at 2, Court of Bankruptcy, London.—*Edw. De Carle*, Norwich, stone mason, June 21 at 11, Court of Bankruptcy, London.—*Wm. G. Pitt*, Cheltenham, Gloucestershire, banker, June 29 at 1, District Court of Bankruptcy, Bristol.—*Robt. Younghusband*, Naunton, Cheltenham, Gloucestershire, brick maker, June 21 at 12, District Court of Bankruptcy, Bristol.—*Robt. Biggs*, Bath, Somersetshire, June 21 at half-past 12, District Court of Bankruptcy, Bristol.—*Jos. Ed. Robinson*, Liverpool, wine merchant, June 26 at 11, District Court of Bankruptcy, Liverpool.—*Chas. J. Gausson* and *Jas. Gausson*, corn factors, June 23 at 12, District Court of Bankruptcy, Liverpool.—*William Southam*, Birchills, Walsall, Staffordshire, miller, June 22 at 1, District Court of Bankruptcy, Birmingham.—*Jas. Stretch*, Nottingham, engineer, June 20 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. Y. Norton*, Birchills, Blawich, Staffordshire, retail brewer, June 26 at half-past 1, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 10.

*Edw. Messum*, Portsea, Southampton, brewer.—*D. Glover*, Marquis-court, Drury-lane, carpenter.—*Wm. Christie*, New North-street, Red Lion-square, bookbinder.—*Wm. Seddon*, St. Helen's, Lancashire, miller.—*Joseph Cooke*, New-street, Dorset-square, upholsterer.—*Wm. Finch*, Batchworth-house, Rickmansworth, Hertfordshire, miller.—*James Imray*, Old Fish-street-hill, Upper Thames-street, and Minories, chair seller.—*Fred. Shepley*, Farnham, Surrey, hop dealer.—*Edw. Butler*, Carrington, Basford, Nottinghamshire, iron merchant.—*Eliz. White* and *Eliz. Leith*, Worksop, Nottinghamshire machine and agricultural-implement makers.—*Thos. Maggs*, Cheahunt, Hertfordshire, upholsterer.—*Geo. Gibson*, Ratcliff highway, upholsterer.—*Sam. Middleham*, Clifton, Derbyshire, wine merchant.—*Henry Hill*, Penkhull, Stoke upon-Trent, Staffordshire, maltster.—*Rich. Boddington*, Li quorpond-street, Hatton-garden, ironmonger.—*Daniel Price*, Pilgrim-street, Ludgate-hill, warehouseman.—*Wm. Gorton*, St. Peter's-chambers, Cornhill, merchant.—*Thos. B. Walden*, Liverpool, linen draper.—*Benj. Gray*, Acton-pl., Kingsland road, flour factor.—*Robt. Halls*, Colchester, Essex, fishmonger.—*Wm. Butler*, Holborn-hill, victualler.

#### FIAT ANNULLED.

*Edward Parr*, New-Inn-passage, Clare-market, broker.

#### SCOTCH SEQUESTRATIONS.

*Michael Archibald*, Stirling, timber merchant.—*John Archibald Reid*, Glasgow, merchants.—*James and Hugh Ritchie*, Salcoats, merchants.—*James Moir & Co.*, Glasgow, plane makers.—*Major Patrick Cruickshank*, Pitoulish, in united parishes of Abernethy and Kincardine, banker.—*John Livingstone*, Dundee, surgeon.—*R. Brown*, Glasgow, baker.

#### DECLARATIONS OF INSOLVENCY.

*John Charlton*, St. Thomas the Apostle, Devonshire, bleach.  
*John Chapman*, Hanworth, Norfolk, blacksmith.  
*George Gledhill*, Halifax, Yorkshire, warehouseman.  
*James Drummond*, Halifax, Yorkshire, pattern designer.  
*John Hall*, Walton-on-the-Hill, Surrey, gentleman.

*John Vates Simpson*, Agar-street, Strand, corn operator.  
*Nathaniel Allsop*, St. Nicholas, Nottingham, baker.  
*John Mansell*, Wall-heath, Kingswinford, Staffordshire, out of business.  
*Joseph Lowe*, Bothenhampton, Dorsetshire, lieutenant in her Majesty's Royal Navy.  
*Thomas Linsley*, sen., Sheffield, Yorkshire, fork maker.  
*Duncan Mc Lachlan*, Halifax, Yorkshire, dyer.  
*Marmaduke Tudabury*, Chesterfield, Derbyshire, clerk or bookkeeper.  
*Patrick Fenton*, Birmingham, plumber.  
*Edward Harris*, Paris-street, Lambeth, Surrey, comedian and lessee of the Theatre Royal Lyceum and English Opera House, Strand.  
*G. Bright*, Cinderford, St. Briavels, Gloucestershire, publican.  
*Alfred Silver*, Trafalgar-square, Stepney, master mariner.  
*John Owen*, Trefeglwys, Montgomeryshire, farmer.  
*Geo. F. W. Kitson*, Manchester, bookkeeper.  
*James Lord*, Stubble-mill, Wuerdis and Wardle, Rochdale, Lancashire, fulling miller.  
*Wm. Backhouse*, Huddersfield, Yorkshire, painter.  
*Joseph Barrowclough*, Holmfirth, Kirk Burton, Yorkshire, carpenter.  
*Geo. Smith*, Azerley, Kirby Malzard, Yorkshire, corn miller.  
*John Firth*, Batley, Yorkshire, wheelwright.  
*Henry Shippin*, Kirkgate, Leeds, Yorkshire, butter and bacon-factor.  
*Charles Petty*, Bradford, Yorkshire, travelling agent.  
*Wm. Gillatt*, Wickesley, near Rotherham, quarryman.  
*John Stokes*, York-road, Lambeth, Surrey, baker.  
*Thomas Garth*, Sunderland near the Sea, Durham, innkeeper.  
*Henry Heard*, East Stonehouse, Devonshire, gunsmith.  
*Thomas Webb*, Bilston, Wolverhampton, Staffordshire, iron-moulder.

## INSOLVENT DEBTORS.

*Saturday, May 27.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Charles Marshall*, Church-street, Mile-end Newtown, Middlesex, upholsterer, No. 54,916 T.; *Frederick Jones*, assignee.—*Wm. Older*, Iping-marsh, near Midhurst, Sussex, broom maker, No. 60,353 C.; *John Tipper*, assignee.—*Robert James Moggridge*, Brydges-street, Covent-garden, news-vendor, No. 54,124 T.; *Charles Spencer Owen*, assignee.—*Samuel Newton*, Charlestown, Ashton-under-Lyne, near Manchester, out of business, No. 59,767 C.; *Richard Whitfield*, assignee.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, WAKEFIELD, (Yorkshire), June 20 at 10.*

*Matthew Mawson*, Horton, near Bradford, butcher.—*Hen. Benson*, Levels Hatfield, out of business.—*Wm. Ranshaw*, Thorne, farmer.—*Jos. Wood*, Doncaster, beer seller.—*John Wrigglesworth*, Leeds, out of business.—*Thos. J. Brayshaw*, Goole, ship-broker.—*Abram Coultas*, Rawden, near Leeds, out of business.—*Richard Land*, Row-end, Horton, Settle, farmer.—*Benj. Bradshaw*, Holbeck, Leeds, canvas weaver.—*Jas. Crowther*, Triangle Sowerby, Halifax, blacksmith.—*J. Sted*, Armley, Hull, near Leeds, maltster.—*John Sutcliffe*, Rushcliffe, Huddersfield, weaver.—*James Wood*, Briggate, Leeds, eating-house keeper.—*Thomas Lee*, Bath-mill, Kirkheaton, boat builder.—*Joseph Lee*, Batley-mill, Kirkheaton, boat builder.

*June 21, at the same hour and place.*

*George Haigh*, Halifax, labourer.—*Wm. Akeroyd*, Batley, near Dewsbury, joiner.—*Wm. Eastwood*, Wike, near Bradford, card maker.—*Wm. H. Kaberry*, Leeds, manager to a flax spinner.—*Thomas Wood*, Cawood, Selby, blacksmith.—*Joseph Denison*, Yeadon, near Leeds, shopkeeper.—*Amos Midgley*, Halifax, out of business.—*Joseph Wrigley*, Rishworth, Halifax, out of business.—*Wm. Reynolds*, Sheffield, stone-mason.—*Jas. Greaves*, Kilnhurst, Rotherham, file dealer.—*Jos. Baxter*, Undercliffe, near Bradford, butcher.—*Joshua Cuttill*, Holmfirth, near Huddersfield, cloth manufacturer.—*John Watson*, Wakefield, out of business.—*Samuel Farrer*, Bromley, cloth manufacturer.—*Francis Wilkinson*, Skipton, maddler.

*June 22, at the same hour and place.*

*Thos. Dunderdale*, Thorne, out of business.—*Wm. Senior*,

Leeds, out of business.—*Wm. Knowles*, Kirkgate, Leeds, out of business.—*Jonathan Greenwood*, Baildon, near Bradford, farmer.—*George Johnson*, Kirkgate, Leeds, herring dealer.—*Wm. Perkin*, Westgate, Wakefield, shopkeeper.—*Geo. Hemmingsway*, Elland-edge, Halifax, labourer.—*Geo. Nortcliffe*, Thornhill Brigg, Brighouse, near Huddersfield, out of business.—*Chas. Hague*, Raw-marsh, near Rotherham, coal miner.—*Jos. S. Birkinshaw*, Ossett, near Wakefield, grocer.—*Thos. Nowell*, Dewsbury, tinner.—*John Holroyde*, Halifax, out of business.

## INSOLVENT DEBTORS' DIVIDENDS.

*George Brooker*, Cambridge, confectioner, White's, Cambridge: 1s. 9d. in the pound.—*Henry Bairdow*, Ovenden Wood, Yorkshire, stuff manufacturer, May 30, Haigh's, Halifax: 2s. 2½d. in the pound.

## MEETINGS.

*Edward Ebenezer Suggett*, Devonport, victualler, July 13 at 11, Sole's, Devonport, sp. aff.—*Anna Long*, widow, Bristol, out of business, June 15 at 1, Sheldon's, Cheltenham, sp. aff.

## FRIDAY, JUNE 2.

## BANKRUPTS.

**THOMAS CREEKE**, Cambridge, tailor and robe maker, June 13 at half-past 1, and July 11 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Nicholls & Co., Cook's-court.—Fiat dated May 29.

**GEORGE CASTON**, Basingstoke, Hampshire, ironmonger, June 9 and July 11 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Cole & Co., Basingstoke; Johnson & Weatherall, King's Bench-walk, Temple.—Fiat dated May 25.

**JOHN WEBSTER**, Sheffield, Yorkshire, newspaper proprietor, printer, and publisher, June 14 and July 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Bulmer, Leeds.—Fiat dated May 26.

**WILLIAM ANTHONY WHINFIELD**, Newcastle-upon-Tyne, draper, June 20 at 11, and July 18 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Bates & Dees, Newcastle-upon-Tyne; Williamson & Hill, 4, Verulam-buildings, Gray's-inn.—Fiat dated May 26.

**EDWARD DICKIN**, Tycocch, Denbighshire, grocer, June 7 and July 7 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Edwards, Shrewsbury; James, Birmingham.—Fiat dated May 3.

**JOHN JOHNSON**, Anston, Yorkshire, miller and timber merchant, June 13 and July 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Unwin, Sheffield; Blackburn, Leeds.—Fiat dated May 22.

**JOHN JACKSON**, Kingston-upon-Hull, innkeeper, June 13 and July 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Robinson, Hull; Lambert, 4, Raymond-buildings, Gray's-inn.—Fiat dated May 16.

**JOSEPH ROBERT ATKINSON**, Caistor, Lincolnshire, wine and spirit merchant and victualler, June 13 and July 4 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Marris & Co., Caistor, Lincolnshire.—Fiat dated May 31.

**EVAN LEYSHON**, Cardiff, Glamorganshire, auctioneer and dealer in Berlin wools and fancy wares, June 16 at 2, and July 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Prideaux & Son, Bristol; Bull, Ely-place, Holborn.—Fiat dated May 18.

**JOHN GLASS**, Devizes, Wiltshire, coal merchant, June 14 at half-past 11, and July 12 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Mogg & Co., Chelwell, Somersetshire.—Fiat dated May 12.

**RALPH MANSFIELD**, Liverpool, coal dealer, June 19 at 12, and July 13 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Lowndes & Co., Liverpool; Sharpe & Co., Bedford-row.—Fiat dated May 30.

**HENRY SOCKETT HUMPHREYS**, Llanailin, Denbighshire, surgeon and apothecary, June 19 at half-past 12, and July 13 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Marshalls, Oswestry; Dean, Essex-street, London.—Fiat dated May 24.

## MEETINGS.

*Rowland Evans*, *John Foster*, *S. Z. Langton*, and *Thomas Foster*, Barge-yard, Bucklersbury, London, East India mer-



chants, June 13 at half-past 1, Court of Bankruptcy, London, pr. d.—*Benj. Vines*, Poole, grocer, June 28 at 3, Court of Bankruptcy, London, last ex. and aud. ac.—*Arthur Brideson*, Dublin, provision merchant, June 13 at 11, Court of Bankruptcy, London, last ex.—*William Hegibottom*, Ashton-under-Lyne, Lancashire, cotton-spinner, June 30 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Bury*, Blackburn, Lancashire, grocer, June 19 at 1, District Court of Bankruptcy, Manchester, last ex.—*Joseph Cooper*, Sutton, near Macclesfield, Cheshire, mercer, June 20 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Burbey*, *Rich. Loe*, and *Jas. Loe*, Portsmouth, Southampton, bankers, June 23 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Brown* and *Jas. Combe*, Windsor, Berkshire, bankers, June 27 at 12, Court of Bankruptcy, London, aud. ac.—*James Triggs*, Southampton, upholsterer, June 23 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*Geo. Harris*, Dorking, Surrey, tailor, June 26 at half-past 1, Court of Bankruptcy, London, aud. ac.; June 27 at 2, div.—*Nathan Gray*, Great Yarmouth, Norfolk, common brewer, June 26 at 1, Court of Bankruptcy, London, aud. ac.; June 27 at 1, div.—*George Thomson* and *Jas. F. Forbes*, Crutched-friars, corn-factors, June 20 at half-past 2, Court of Bankruptcy, London, aud. ac.; June 27 at 1, fin. div. sep. est. *James F. Forbes*.—*Thos. Dykes*, Broad-street, St. Giles's, stationer, June 17 at half-past 2, Court of Bankruptcy, London, aud. ac.; June 27 at 12, div.—*Edmund Manning* and *Cornelius Charles Manning*, High-street, Aldgate, drapers, June 17 at 2, Court of Bankruptcy, London, aud. ac.; June 24 at 2, div.—*Lionel Wailing*, Upper-street, Islington, butcher, June 20 at half-past 1, Court of Bankruptcy, London, aud. ac.; June 27 at half-past 12, div.—*Warner Liddiard* and *Robert Kitton*, Golden-lane, carpenters, June 20 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Jolley*, Castle Heddingham, Essex, tailor, June 28 at 11, Court of Bankruptcy, London, aud. ac.—*John Robert Hitchcock*, New Sarum, Wiltshire, hosier and carrier, June 28 at 12, Court of Bankruptcy, London, aud. ac.—*John Norman*, Wadebridge, Cornwall, grocer, June 28 at 1, District Court of Bankruptcy, Exeter, aud. ac.; June 29 at 12, div.—*Ann Cartwright*, *John Cartwright*, and *W. Cartwright*, Wigan, Lancashire, cotton spinners, July 1 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 3 at 12, div.—*Peter Bould*, Ovendon, Halifax, Yorkshire, cotton spinner, July 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 8 at 11, fin. div.—*Robt. Sands*, Nottingham, lace manufacturer, June 28 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; June 29 at 11, div.—*Henry Ward*, Stafford, builder, June 29 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. J. Fehr*, Birmingham, draper, June 29 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Joseph Rogers*, Bromyard, Herefordshire, scrivener, June 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Robt. Silk* and *Thomas Brown*, Long-acre, coach makers, June 23 at half-past 12, Court of Bankruptcy, London, fin. div.—*Horatio Wyer*, Newington-causeway, Surrey, tailor, June 24 at 12, Court of Bankruptcy, London, fin. div.—*Anthony Highmore*, Royal Exchange-gallery, London, merchant, June 23 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thomas Patton*, Swan-street, Newington, Surrey, ironfounder, June 27 at half-past 12, Court of Bankruptcy, London, div.—*Chas. W. Waltheu*, Poultry, London, chemist, June 27 at 12, Court of Bankruptcy, London, div.—*Henry Blackman*, Cranbrook, Kent, grocer, June 27 at half-past 11, Court of Bankruptcy, London, div.—*Jireh Twome*, George-street, Spitalfields, chocolate manufacturer, June 24 at half-past 1, Court of Bankruptcy, London, div.—*Wm. Smith*, Leeds, ironfounder, June 26 at 11, District Court of Bankruptcy, Leeds, aud. ac.; June 28 at 11, div.—*Robert Steane* and *Richard Steane*, Coventry, ribbon manufacturers, June 21 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*John Sewell*, Chatteris, Isle of Ely, Cambridgeshire, money scrivener, June 27 at half-past 11, Court of Bankruptcy, London.—*Alexander Fraser*, Freilock-terrace, Hanover-square, board and lodging-house keeper, June 23 at half-past 1, Court of Bankruptcy, London.—*James Whitfield*, Tooley-street, Southwark, grocer, June 23 at 1, Court of Bankruptcy, Lon-

don.—*William Hitch*, Kingland, Middlesex, grocer, June 22 at 11, Court of Bankruptcy, London.—*James Wilekin*, Reading, Berkshire, draper, June 23 at 1, Court of Bankruptcy, London.—*James Marcus Frames*, Gosport, Southampton, grocer, June 27 at half-past 1, Court of Bankruptcy, London.—*John W. Jones*, Calne, Wiltshire, tailor, June 26 at 11, Court of Bankruptcy, London.—*Wm. Pugh*, Gloucester, auctioneer, June 5 at 11, District Court of Bankruptcy, Bristol.—*John Norman*, Wadebridge, Cornwall, grocer, June 28 at 12, District Court of Bankruptcy, Exeter.—*Newton Emmerson*, Bishop Auckland, Durham, mercer, June 26 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jane Saint*, Haltwhistle, Northumberland, builder, June 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Morgan*, Woodside, Cheshire, merchant, June 26 at 12, District Court of Bankruptcy, Liverpool.—*John Evans*, Liverpool, coal dealer, June 27 at 11, District Court of Bankruptcy, Liverpool.—*James Kelly* and *John Kelly*, Rochdale, Lancashire, joiners, June 28 at 1, District Court of Bankruptcy, Manchester.—*Alex. S. Graham*, Oldham, Lancashire, contractor for public works, June 28 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before June 23.

*Thomas Cox*, Gloucester, plumber.—*Wm. J. B. H. Lofly*, Bennett-street, Blackfriars-road, Surrey, ship owner.—*Saml. Kirk*, Kimberworth, Yorkshire, ironfounder.—*W. Canaboe*, Camberwell-green, Camberwell, Surrey, bookseller.—*James Goldie*, High-street, Whitechapel, distiller.—*Thos. Fawcett*, Whipnade, Bedfordshire, cattle dealer.—*Jos. Travell*, Sheffield, Yorkshire, tailor.—*Edward Wright* and *Geo. Wright*, Bodmin, Cornwall, brewers.—*William Worsley*, Manchester, flour dealer.—*Joseph Carlisle*, Bury, Lancashire, draper.—*Robert Brown*, Kingston-upon-Hall, bookseller.—*H. Clapham*, Liverpool, woollen draper.

#### PARTNERSHIPS DISSOLVED.

*Charles Lees* and *James Alfred Cooper*, Bradford, Yorkshire, attorneys and solicitors.—*William Wood* and *Charles Senior*, Liverpool, attorneys at law.

#### SCOTCH SEQUESTRATION.

*John Brownhill*, Haddington, grocer.

#### DECLARATIONS OF INSOLVENCY.

*John Pidcock*, Buxton, Bakewell, Derbyshire, butcher.  
*Chas. Angel*, Subdeanry, Chichester, Sussex, bookseller.  
*Edward Peel Houldsworth*, Stretford New-road, Hulme, Lancashire, stone mason.  
*John James Lloyd*, Mitcheldean, Gloucestershire, licensed victualler.  
*John Howard*, Westham, Stratford, Essex, clerk and agent.  
*Thomas Lowe*, Devonshire-street, Kennington-lane, Lambeth, carpenter.  
*Edward Oldrey*, Totnes, Devonshire, slater.  
*William Powell*, Rhymney, Monmouthshire, carpenter.  
*John Crawford Read*, King-street, Snow-hill, clerk to boot and shoe manufacturer.  
*Joseph Bernard*, Heath and Reach, Leighton Buzzard, Bedfordshire, straw-plat dealer.  
*Wm. D. Kelsall*, Ashton-on-Mersey, Cheshire, butcher.  
*Henry Mollenhauer*, Liverpool, molasses boiler.  
*Nathaniel Gammon*, Canterbury, butcher.  
*Robert Simmons*, Sevenoaks, Kent, oil and colour man.  
*Edward Broad*, Crayford, Kent, horse dealer.  
*Patrick Augustus Boyle*, Cardington-street, Hampstead-road, surgeon.  
*Richard Tennessy*, Newington-causeway, St. Mary, Newington, Surrey, woodsman.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Saturday, June 24 at 9.

*Jer. Scully*, Dublin, auctioneer.—*And. Wm. Irwin*, Bell-yard, Fleet-street, plumber.—*Geo. Kilby*, Regent-street, Kennington-cross, Lambeth, plumber.—*Geo. Tucker*, Escher, near Kingston, Surrey, plumber.—*Chas. Cosier* and *Fredk. Wm. Cosier*, Stockbridge-terr., Picnic, grocers.—*Edward Pembble*, White Horse-street, Stepney, general dealer.—*William Ross*, Eltham, Kent, grocer.—*Geo. Davis*, Paddington-st., Marylebone, plumber.—*Wm. Henry Green*, Geo-street, Goswell-street, gentleman's servant.—*Charles Stroud*, Regent-mews



Regent-street, Lambeth-walk, shopman to cheesemonger.—*G. Last*, Church-street, Stoke Newington, baker.—*Geo. Wainwright*, New-road, Sloane-street, Chelsea, wine cooper.—*M. Liebman*, Houndsditch, confectioner.—*David R. Brandon*, Sun-street, Bishopsgate-street, shoe maker.—*C. W. Sarjeant*, Bagshot-green, Bagshot, plumber.

#### Adjourned.

*Thomas Waller*, Belle Vue-terrace, Ball's-pond-road, near Kingland, in no business.

*Court-house, OXFORD, (County), June 26 at 10.*

*William Randle*, Banbury, baker.—*Joseph Smith*, Saraden, shepherd.—*Thos. Wm. Typler*, Nethrop, Banbury, carrier.—*John Ayris*, Wheatley, blacksmith.—*John Clements*, Oxford, watch maker.—*Thos. White*, Neathrop, plush weaver.—*Hen. Rose*, Stokenchurch, chair maker.—*J. V. James*, Newbridge, victualler.—*Jon. Paine*, Fawler, miller.—*Arthur Scrivener*, Bicester, milliner.—*Jas. Kebby*, Jericho, carpenter.

*Court-house, OXFORD, (City), June 26 at 10.*

*Wm. Barnes*, Oxford, dog dealer.—*Chas. Leach*, Oxford, carpenter.

*Court-house, READING, Berkshire, June 28 at 10.*

*Thomas Davis*, Maidenhead, nursery and seedman.—*Wm. Neell*, Lower Caversham, Oxfordshire, confectioner.—*Hen. Peacock*, Reading, tailor.—*Wm. Willer*, New Windsor, victualler.—*Thos. Hughes*, Karwell, near Abingdon, blacksmith.—*Wm. W. George*, Farringdon, nurseryman.—*John Bailey*, Newbury, corn porter.—*Wm. Saunders*, West Hundred, near Wantage, dealer in beer by retail.—*Th. Sadler*, Shellingford, near Farringdon, shoe maker.—*Rich. Lewese*, Eastbury, near Lambourne, corn dealer.—*O. Cox*, Reading, victualler.—*Isaac Buckridge*, Ware, farmer.—*Edm. E. W. Gale*, Spensham-lund, wine merchant.

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*Richard Cloud*, Hammersmith, coach proprietor, June 7, Geo. Cloud's, Hammersmith: 7s. 3d. in the pound.

#### MEETINGS.

*Abraham Breaks*, North Bierley, near Bradford, Yorkshire, worsted-stuff manufacturer, June 19 at 10, Ridehalgh's, Bradford, sp. aff.—*Wm. Older*, Coppice-style-house, Iping-marsh, near Midhurst, Sussex, broom maker, June 20 at 3, Wells's, Midhurst, sp. aff.—*John L. Cyfaude*, Great Yarmouth, Norfolk, attorney at law, June 19 at 7, Angel-inn, Great Yarmouth, sp. affairs.—*Jos. Evans*, Bockshutt-piece, near Wrockwardine-wood, Wrockwardine, Shropshire, labourer, June 17 at 12, Stanley's, Newport, sp. affairs.—*Moses Mann*, Takely, Essex, baker, June 22 at 4, Gee & Taylor's, Bishops Stortford, Hertfordshire, sp. affairs.

### SUMMER CIRCUITS, 1843.

#### NORFOLK.

Lord DENMAN, C. J.—Mr. Baron ALDERSON.

#### HOMER.

Lord Chief Justice TINDAL.—Mr. Baron PARKE.

#### MIDLAND.

Lord ABINGER, C. B.—Mr. Justice PATTERSON.

#### NORTH WALES.

Mr. Baron GURNEY.

#### OXFORD.

Mr. Justice WILLIAMS.—Mr. Justice MAULE.

#### WESTERN.

Mr. Justice COLERIDGE.—Mr. Justice ERSKINE.

#### SOUTH WALES.

Mr. Baron ROLFE.

#### NORTHERN.

Mr. Justice WIGHTMAN.—Mr. Justice CRESSWELL.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—John Hirst Taylor, of Ambleside and Bowness, Westmoreland; Thomas Freer, of Glamford Briggs, Lincolnshire; Joseph Richard Cobb, of Brecon.

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# The Jurist

No. 335.

LONDON, JUNE 10, 1843.

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, JUNE 10, 1843.

THE many questions which, since the passing of the Poor-Law Amendment Act, have been raised relative to orders of removal, examinations, and notices of appeal, and the uncertainty in which the decided cases have involved some of them, must make the profession thankful for any decision which approaches towards settling a disputed point in this law. And of this kind are some cases which were decided during last term, and of which, we think, it may be useful to remind our readers before the ensuing sessions. First, then, as to the ground of appeal, "that the examination is bad on the face thereof," which may be called the general demurrer. Upon the subject of what objections may be taken under this to the examination, there are now three cases, and we will endeavour to ascertain how far they have fixed the law.

In *The Queen v. The Inhabitants of Middleton in Teesdale*, (10 Adol. & Ell. 688), it was held, that the omitting in the statement of a settlement by renting and occupying a tenement, to specify for how long, and when, the renting and occupying was, might be taken advantage of under the general ground of objection. Lord Denman thus explains his decision, and points out the rule to be followed:—"The appellants say that this examination is bad on its face; and the question is, whether it be so, not formally, but for want of any ground for the jurisdiction of the justices. I think it is bad on that account."

The second case, *The Queen v. The Inhabitants of Stapleford Fitzpaine* (1 G. & D. 605; 11 Law Journ., N. S., Mag. Cas. 38) differs in several respects from the above. The grounds of appeal first denied some of the facts stated in the examination, and then, after stating that the examination was wholly insufficient in law, and bad on the face of it, proceeded to specify various objections. It appeared, on the examination, that the being

rated was proved by evidence of paying only, and the rate was not produced, nor its non-production accounted for; and the appellants sought to avail themselves of that objection under the general allegation that the examination was bad on the face of it. This, it will be observed, unlike that in the former case, is an objection to the form rather than the substance of the examination, the material fact appearing on the face of it, although not proved according to the rules of evidence. Nevertheless, the judgment of the court, that the objection could not be taken, is not easily understood, nor does the distinction between formal and substantial objections seem to be kept clearly in view. "It was argued that this objection was open under the general words 'informal, insufficient in law, and bad on the face of it.' We are quite clear that, under those words, if they stood alone, no objection would be open in this case to the appellants, for they would convey no information to the respondents of the grounds of appeal intended to be relied upon; and to hold them sufficient, would defeat the very objects of the statute." This observation seems to apply as well to objections in substance as in form. The judgment, indeed, proceeds to say, "Any one reading the general words, followed by the specific objections, would conclude that they were intended only to introduce and comprise no more than such particulars as were afterwards specified; and when, besides this, they are preceded by a denial in terms, that John Hake was in fact rated, the respondents would still more certainly be led to conclude, that it is not intended to object to the want of evidence before the removing justices, but to rely on the fact being otherwise than was asserted." But this does not appear to have been relied on; and the principle stated in the former sentence seems to render the statement of other specific objections than the one in question immaterial. Of *The Queen v. Middleton in Teesdale*, it is said, "The notice not only could not mislead, but

would scarcely fail to point out, to those who read it with ordinary care, the defect intended to be insisted upon. The facts of the two cases are so different, that the decision of the one case can be no authority for that of the other." Perhaps, looking at these words and the case we are about to notice, all that can be said to be decided by this case is, that where there is no palpable omission in the examination of a material fact, and the grounds of appeal stated are likely to mislead the respondents from the intended objection, the appellants shall not avail themselves of the general ground. But this will be better understood after examining the next case.

In *The Queen v. The Inhabitants of Flockton*, (12 Law Journ. (N. S.) M. C. 70; ante, p. 439), the first ground of appeal was, that the order and examination were bad on the face thereof respectively; and the others were directed to the facts of the case. The objection sought to be taken was, that the pauper's residence in the parish was not stated, the settlement being by apprenticeship. "*The Queen v. The Inhabitants of Middleton in Teesdale*," says Lord Denman, "must govern our decision in the present case. *The Queen v. The Inhabitants of Stapleford Fitzpaine* is not in point. There, there were several particular objections taken, while that relied on was not specified; and the objection relied on was not, as here, that there was a want of sufficient statement of a settlement, but that the magistrates had made their order on illegal evidence." The other judges expressed themselves in a similar manner.

From these three cases we are left to gather the rule to be followed in future. Where the examination does not contain a sufficient statement of a settlement, and the general ground of objection is unaccompanied by any others, except such as point to the facts of the case, it seems clear, upon the authority of the first and third of these cases, that the objection may be taken. As to what cases come within the definition of the examination containing a sufficient statement of a settlement, we fear that will be found difficult to determine. The judges say, that the reception of illegal evidence must be made a special ground of objection, and yet a settlement, any material part of which appears by the examination to have been proved by illegal evidence, can hardly be said to be sufficiently shewn. The best guide, when there is no decision in point to determine what are grounds of general and what of special objection, will be found in the analogous case of demurrers to pleadings. Hitherto we have supposed that the general ground of objection stands alone; when it is joined with special grounds the difficulty is greater. We confess we have been unable to ascertain, from the expressions used by the judges in the above cases, whether, in a case where the settlement is not sufficiently stated, and there are other grounds of objection stated specially, the general ground of objection will be available. In the second case that we noticed, the objection was one which the judges in the third case say ought to be specially stated, and it does not therefore decide this question. If the rule with respect to demurrers is adopted, the insertion of special grounds of objection ought not to prevent the party from availing himself of a substantial objection, though not stated. And that

seems the best conclusion, and one which we hope will be ultimately adopted.

The preceding observations having extended themselves beyond what we anticipated, we can only briefly notice another of the cases we at first alluded to. For some time a difficulty had existed where a parish which had obtained an order of removal, upon receiving a notice of appeal, abandoned the order, either with or without the formality of a supersedeas. In *The Queen v. The Justices of Middlesex* (11 Adol. & Ell. 809) it was held that an order could not be superseded after the pauper had been removed and an appeal lodged at the sessions. In *The Queen v. Brighton* (11 Law Journ., N. S., Mag. Cas. 106) the same decision was come to; but it was suggested by one of the Judges, that when the appeal was entered before giving notice to the removing parish, the sessions ought not to give costs to the appellants. And in *The Queen v. The Justices of the West Riding*, (1 G. & D. 830), where the order was superseded before the entry of the appeal, and all the expenses of the appellant parish were paid or allowed to them, it was held that the sessions had done rightly in refusing to hear the appeal. Patteson, J., strongly expressed his opinion that a parish ought to be able to abandon an order of removal, and where they had properly done so, the other party ought not to be allowed to go to the sessions to get the order quashed, and costs. "I think," says he, "from the altered circumstances as regards the present law, we ought even, if it were necessary, to introduce a new practice." But by doing justice to the removing parish in allowing the order to be abandoned, the appellants, if they acted fairly and according to the intention of the Legislature in serving a notice and grounds of appeal before entering it, were prevented from recovering the costs they might have incurred; and it was obvious that complete justice could not be attained without providing a means not only of abandoning an order, but of securing to the appellants their costs. This it is now settled must be done by entering the appeal at the sessions. The cases of *The Queen v. The Inhabitants of Townstall* and *The Queen v. The Inhabitants of Stayley*, (12 Law Journ., (N. S.), M. C. 72; ante, p. 463), which it is unnecessary to notice at length, have so decided. By this course, however, the apparent intention of the Legislature to prevent unnecessary appeals, by requiring a notice and grounds of objection to be served, seems frustrated, and costs are needlessly incurred. It is worthy of consideration whether this could not be remedied by giving power to the magistrates to make the superseding an order conditional upon the payment to the appellant parish of their costs; the amount to be ascertained by the magistrates and inserted in the order.

#### GENTLEMEN CALLED TO THE BAR.

The undermentioned Gentlemen were called to the degree of Barrister at Law:—

MIDDLE TEMPLE, May 26.—Frederick Hodgson Evans, Warren Porter Wray, Richard Brinsley Knowles, and Lyndsey Purcell, Esqrs.

GRAY'S INN, June 7.—P. M. Murphy, P. Selby, R. R. Moore, W. Evans, R. H. Purcell, A. R. Labistour, and H. J. Hunter, Esqrs.

## Rebels.

*The Act for the Registration of Voters, &c. &c., with an Analysis, Notes, additional Forms, and a copious Index. By DAVID POWER, Esq., Barrister at Law.—12mo., pp. 173. [S. Sweet, 1843.]*

The above is one of several editions of this Act which have made their appearance immediately upon its passing. At the present day, no sooner is it probable that a material alteration will be made in some branch of the law by any bill in progress through parliament, than forthwith there ensues a fierce struggle between authors, printers, and publishers for the supposed honour or advantage of publishing the first work upon it. Modern acts of parliament unfortunately are such as to render, to all but professional readers some explanation absolutely necessary; and even to the latter, a good index, and notes pointing out how one section affects another, are of great value. But unfortunately the rapid process by which in most instances these editions of statutes are prepared, makes their utility doubtful. It can indeed hardly be expected that much care can be bestowed upon what is done so quickly. Mr. Power's book, however, is open to no censure on this account. In the clear and accurate analysis which he has prefixed to the act, and his full and complete index to its contents, no marks of haste can be detected; and the numerous notes which he has made to various sections, display considerable care, and are evidently the work of one familiar with his subject. We regret that we have not space enough to quote the preface in which the objects of the act, and in what respect it alters the provisions of the Reform Act, are clearly and succinctly stated. In a note to sect. 98, by which the power of an Election Committee to decide upon the right of voting is confined to cases where the name of the person has been specially retained upon the register, or inserted therein, or expunged or omitted therefrom by the express decision of the revising barrister, and of legal incapacity at the time of voting, or arising subsequent to the registration, Mr. Power says, "It will be seen by a reference to former sections, that, upon the lists before him at the time of the revision, the barrister acts in two different ways. He is first to act of his own accord, and is to expunge the name of any person whose stated qualification is bad upon the face of it, or who is proved to be dead; he is to correct mistakes in any of the particulars of name or description, to supply certain omissions upon satisfactory evidence being given, and if not given is to expunge the name. In the second place, he decides upon the objections which have been made.

"It has been a question whether, under the 60th section of the Reform Act, the committee had jurisdiction to inquire into any other cases than those where objections had been made at the revision. The Wigan Committee of last session, after a very full argument, decided that they had not; (Barron & Austin, 217); but decisions of committees are not wanting on the other side. (See *Petersfield case*, F. & F. 262.) The words in the corresponding section of the Reform Act are 'in consequence of the decision of the barrister;' here, 'by the express decision.' The insertion of the word 'express,' tends perhaps to strengthen the point in favour of which the Wigan Committee decided; and, at all events, prevents a committee from inquiring into any case into which the barrister had neither power to inquire of his own accord, nor unless the precise objection was raised at the revision.

"Where the decision of the barrister has been affirmed or negatived by a judgment of the Court of Appeal, that judgment is to be binding upon the committee; (s. 66, p. 58)."

This will afford our readers some idea of the manner in which Mr. Power has executed this part of his undertaking.

## SATISFACTION OF A JUDGMENT.

The following instructions have been given to the Masters of the COURT OF COMMON PLEAS, on the subject of acknowledging satisfaction of judgments:—

"That, for the future, it shall not be necessary in the Common Pleas to have a warrant of attorney to acknowledge satisfaction of a judgment, or for a judge's fiat thereon: but that it shall be requisite only to produce a satisfaction piece, similar to that in use in the Court of Queen's Bench; except, that, in all cases, such satisfaction piece shall be signed by the plaintiff or plaintiffs, or their personal representatives, and such signature or signatures be witnessed by a practising attorney of one of the courts at Westminster, expressly named by him or them, and attending at his or their request, to inform him or them of the nature and effect of such satisfaction piece before the same is signed, and who shall declare himself in the attestation thereto to be the attorney for the person or persons so signing the same, and state he is witness as such attorney. But with power to any judge at chambers to make an order dispensing with any such signature, under special circumstances, as he may think right; and that, in cases where the satisfaction piece is signed by the personal representative of a deceased plaintiff, the party is to prove his representative character in such way as the Master may direct.

"N. C. TINDAL.

"F. COLTMAN.

"W. H. MAULE.

"C. CRESSWELL."

"June 6th, 1843."

## COURT OF QUEEN'S BENCH.

TRINITY TERM.—6 VICT.—June 5, 1843.

This Court will, on Friday and Saturday, the 16th and 17th days of June instant, and on Friday and Saturday, the 23rd and 24th days of June instant, and on Monday and Tuesday, the 26th and 27th days of June instant, hold Sittings, and will proceed in disposing of the business in the Crown Paper, the Special Paper, and the New Trial Paper, and give Judgment in Cases that may then be pending.

BY THE COURT.

## London Gazettes.

TUESDAY, JUNE 6.  
BANKRUPTS.

JOSEPH WHITMORE, Strand, part proprietor of the Illustrated Weekly Times, June 13 at 3, and July 11 at half-past 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. James, 5, Basinghall-street.—Fiat dated May 29.

JOHN RYAN, Strand, part proprietor of the Illustrated Weekly Times, June 14 at 10, and July 11 at 3, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. James, 5, Basinghall-street.—Fiat dated June 1.

THOMAS STRIPLING, North-hill, Colchester, June 14 at 1, and July 18 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Barnes, North-hill, Colchester; Wire & Child, St. Swithin's-lane.—Fiat dated June 1.

THOMAS WALLER, Preston next Faversham, Kent, brewer and hat manufacturer, June 16 at 1, and July 15 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Yonge, 20, Tokenhouse-yard.—Fiat dated May 17.

JOHN NIMROIDE GEORGE, Upper Berkeley-street, St. Mary-le-bone, bookseller and stationer, June 20 at 2, and July 15 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Kernot, 7, Wellbeck-street, Cavendish-square.—Fiat dated June 2.

**JOHN WILLIAM CARLETON**, Upper George-street, Bryanstone-square, bookseller, June 24 at half-past 11, and July 18 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Williams, 31, Alfred-place, Bedford-square.—Fiat dated June 5.

**GEORGE TATTERSALL**, Noble-street, London, hosier and commission agent, June 13 at 2, and July 18 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Lewis & Lewis, 10, Ely-place, Holborn.—Fiat dated June 2.

**FREDERIC SINGLETON**, Liverpool, merchant, June 16 at 12, and July 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Whitley, Liverpool; Garey, Southampton-buildings.—Fiat dated June 1.

**WILLIAM SLADE**, Bridport, Dorsetshire, boot and shoe maker, June 14 at 2, and July 12 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Templer & Sons, Bridport; Clowes & Co., Temple.—Fiat dated May 30.

**WILLIAM REYNOLDS** and **JOHN TERTIUS FAIRBANK**, Sheffield, Yorkshire, builders and contractors, June 17 and July 8 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Dixon & Aldam, Sheffield.—Fiat dated May 24.

**WILLIAM DENSEM**, Bath, Somersetshire, tailor and draper, June 21 at 1, and July 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Hall, Bristol; Clarke & Co., Lincoln's-inn-fields.—Fiat dated May 20.

#### MEETINGS.

*Nathaniel Wegg*, Greenwich, victualler, June 16 at 11, Court of Bankruptcy, London, last ex.—*John Whitaker*, Newchurch, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, June 16 at 11, District Court of Bankruptcy, Manchester, last ex.—*Henry Conn*, St. Clement, Truro, and Gwennap, near Truro, Cornwall, arsenic manufacturer, June 29 at half-past 12, District Court of Bankruptcy, Exeter, last ex.—*W. S. Goodeve*, Chichester, Sussex, brick maker, June 27 at half-past 12, Court of Bankruptcy, London, aud. ac. and fin. div.—*J. Cumming*, Tottenham-court-road, furrier, June 29 at half-past 12, Court of Bankruptcy, London, aud. ac.—*W. Mott*, Regent-street, Piccadilly, laceman, June 29 at 12, Court of Bankruptcy, London, aud. ac.—*Frederick Roberts*, New Bond-street, and Gower-street North, coal merchant, June 29 at 1, Court of Bankruptcy, London, aud. ac.—*Thomas Bagehaw*, Buxton, Derbyshire, innkeeper, June 28 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*John Darcy* and *Richard Dierden*, Sutton, Lancashire, alkali manufacturers, June 28 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.; July 1 at 12, last ex.—*William Fox*, Gwersyllt, Gresford, Denbighshire, ironmaster, June 27 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Walker*, Poulton-in-the-Fylde, Lancashire, grocer, June 30 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*William Robinson*, Liverpool, dealer in cut and plain glass, June 27 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*William Marshall* and *Henry Rodgers*, Liverpool, iron founders, June 28 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*S. Clough* and *W. T. Clough*, Eccleston, Lancashire, alkali manufacturers, June 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John George Calbreath*, Houghton-le-Spring, Durham, draper, grocer, and tea dealer, June 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; June 30 at 11, fin. div.—*Richard Robinson*, Low Lights, North Shields, Tynemouth, Northumberland, common brewer, July 5 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Herring* and *Wm. Herring*, Newcastle-upon-Tyne, merchants, June 29 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. joint est.; at 1, aud. ac. sep. est. *John Herring*.—*Robert Paxton Bell*, Newcastle-upon-Tyne, fruiterer, June 29 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 5 at 2, fin. div.—*Jonathan Bowman*, Carlisle, Cumberland, woollen draper, July 3 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 7 at 2, fin. div.—*I. Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *J. Davison*, Marton, and Middlebrough, Yorkshire, farmer and earthenware manufacturer, July 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 4 at 11, div. joint est.; July 3 at half-past 11, aud. ac.; July 4 at 12, fin. div. sep. est. *I. Bell*; July 3 at 12, aud. ac.; July 4 at 1, div. sep. est. *J.*

*Davison*.—*Thomas Gales*, Wm. John Guest, John F. Nash, and *Matthew Kirtley*, Hylton, Durham, ship builders, July at 11 and 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. joint and sep. est.; July 6 at 11 and 12, div. joint and sep. est.—*W. Hussey*, Nether Knutsford, Cheshire, baker, July 27 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 28 at 11, div.—*John Parker*, Bolton-le-Moors, Lancashire, cotton waste spinner, July 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Gregory Secombe* as *Saml. Secombe*, Tavistock, Devonshire, and Bude, Cornwall, tailors, June 29 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Wm. Walker*, Burton-upon-Trent, Staffordshire, mercer, July 1 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*George Thomas Caswell*, Birmingham, glass and china dealer, and Wolverhampton, Staffordshire, pump maker, July 1 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. James*, Westbromwich, Staffordshire, coal master, June 30 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry Charles Curlew*, Bouverie-square, tailor, June 27 at 12, Court of Bankruptcy, London, fin. div.—*Sarah Fenn*, Bromley, Kent, draper, July 27 at 12, Court of Bankruptcy, London, div.—*Wm. Wain*, Gravesend, Kent, carpenter, June 27 at half-past 11, Court of Bankruptcy, London, div.—*John H. Curtis*, Soho-square, bookseller, June 27 at 12, Court of Bankruptcy, London, div.—*James Daniel*, Lime-street, provision merchant, June 27 at 1, Court of Bankruptcy, London, div.—*Joseph Losh*, James Durham, bookseller, July 6 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Roger Pocklington*, Wintorpe, and *Wm. Dickinson*, Newark-upon-Trent, Nottinghamshire, bankers, June 26 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*Joseph Rogers*, Bromyard, Herefordshire, scrivener, July 1 at half-past 12, District Court of Bankruptcy, Birmingham, div.—*Henry Ward*, Stafford, builder, July 1 at 1, District Court of Bankruptcy, Birmingham, div.—*Thomas James Fehr*, Birmingham, dealer in straw bonnets, July 1 at half-past 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Geo. Fred. Cobham* and *Wm. Burt Wright*, Camden-place, Peckham, Surrey, and Gravesend, Kent, builders, June 27 at 11, Court of Bankruptcy, London.—*Jas. Peters*, Mertham, Surrey, coal merchant, July 8 at 12, Court of Bankruptcy, London.—*Edw. V. Austin*, Paradise-street, Rotherhithe, Surrey, apothecary and surgeon, June 27 at half-past 11, Court of Bankruptcy, London.—*C. M. Nicholson*, New Corn Exchange, Mark-lane, corn dealer, June 27 at 12, Court of Bankruptcy, London.—*Thomas Durrant* and *George Banks*, Wymington, Kent, bakers, July 15 at half-past 12, Court of Bankruptcy, London.—*George Eschelby*, Gate-street, Lincoln's-inn-fields, carrier, July 29 at 1, Court of Bankruptcy, London.—*John W. Morley*, Sunderland, Durham, iron manufacturer, June 29 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jas. Harrington* and *Wm. Pattinson*, Woodbank, Cuthbert, Cumberland, calico printers, July 4 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Blak*, Sunderland, Durham, and Kingston-upon-Hull, tinner, July 3 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Robert Faxton Bell*, Newcastle-upon-Tyne, fruiterer, July at 3, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Parker*, Bolton-le-Moors, Lancashire, cotton-waste spinner, July 4 at 12, District Court of Bankruptcy, Manchester.—*Wm. Hussey*, Nether Knutsford, Cheshire, bread baker, July 29 at 11, District Court of Bankruptcy, Manchester.—*Th. Walker*, Poulton, Fylde, Lancashire, grocer, June 30 at 1, District Court of Bankruptcy, Liverpool.—*Jer. N. Babb*, Leeds, woolstapler, June 29 at 11, District Court of Bankruptcy, Leeds.—*J. Lumley*, Kirby Fleetham with Fenot, Yorkshire, common brewer, July 5 at 11, District Court of Bankruptcy, Leeds.—*Jas. Marr*, Worksop, Nottinghamshire, tanner, July 7 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 27.*

*James Knapton* and *Wm. McKay*, Manningham, Bradford, Yorkshire, stuff manufacturers.—*Charles Scott*, Newbold-under-Lyme, Staffordshire, carrier.—*Jas. Meadows*, Wat tree, near Liverpool, miller.—*Pet. D. Stewart*, North-bay St. John's-wood, and Prince Edward's Island, New Brunswick,

wick, North America.—*Joe. Beech*, Manchester, brush maker.  
—*Rob. Conibeere*, Birmingham, woollen draper.—*Thos. Bagshaw*, Buxton, Derbyshire, innkeeper.—*Henry Mainwaring*, Manchester, draper.—*W. Pye*, Eagle Saw-mills, Old Brompton, builder.—*Robert Guppy*, Halstock, Dorsetshire, horse dealer.

## PARTNERSHIPS DISSOLVED.

*John Woothouse* and *Thos. Holden*, Bolton, Lancashire, attorneys and solicitors.—*Henry Brooker* and *William Penfold*, Brighton, attorneys and solicitors.

## FIAT ENLARGED.

*George Hammond*, sen., Havant, Southampton, common brewer.

## FIAT ANNULLED.

*Wm. Eden*, Queen-street, Well-court, Cheapside, printer.

## SCOTCH SEQUESTRATIONS.

*William Hutton*, South Queensferry, Linlithgow, baker.—*Pt. Bryce*, Port Dundas, Glasgow, victualler.—*J. Hunter*, Livingstone Saw-mills, near Midcalder, wood merchant.

## DECLARATIONS OF INSOLVENCY.

*Edward Harris*, Paris-street, Lambeth, comedian.  
*Joseph Harrop*, Stockport, Cheshire, tailor.  
*James Greenwood*, Blackburn, Lancashire, tin-plate worker.  
*J. Hall*, Hackenthorne, Beighton, Derbyshire, sickle grinder.  
*George Christian*, Liverpool, mathematical-instrument maker.  
*Thomas Abnett*, St. Margaret, Leicester, rope maker.  
*Frederick Parker*, Islington, Birmingham, first lieutenant on the half-pay of her Majesty's Corps of Royal Marines.  
*Hannah Robinson*, Ley-moor-bottom, Golcar, Huddersfield, retailer of beer.  
*Henry Hebb Preston*, Grey Friars-gate, St. Peter, Nottinghamshire, coal agent.  
*Thomas Smith*, Rochdale, Lancashire, out of business.  
*Robert Stott*, Rochdale, Lancashire, publican.  
*Michael M'Sorley*, Liverpool, hatter.  
*Martha Hibbert*, spinster, Manchester, in no profession.  
*James Henry Williams*, St. James, Bath, tailor.  
*Mathilda Gellon*, North Shields, Tyne-mouth, Northumberland, out of business.  
*John Carter*, Chatham, Kent, plumber.  
*Joseph Aguilar*, Brunswick-st., Great Dover-st., St. Mary, Newington, clerk to the Northern and Eastern Railway Company.  
*John Bradshaw*, Hulme, Lancashire, attorney.  
*George Edwards*, Newbold, Chesterfield, Derbyshire, beer-house keeper.  
*Edward Richards*, Frederick's-place, Goswell-road, St. Mary, Islington, silver chaser.  
*William Palmer*, King-street, Commercial-road East, town traveller.

## INSOLVENT DEBTORS.

Saturday, June 3.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Sampson*, Ilminster, Somersetshire, lieutenant in the Royal Marines, No. 40,105 C.; *Samuel Sturgis*, gentleman, new assignee, in the room of John Wright Hodgetts, removed.  
—*Alexander Milne*, Mermaid Yacht, West-India South dock, Poplar, shipwright, No. 54,798 T.; *William Robey*, assignee.  
—*John Dale*, Allensmore, Herefordshire, farmer and dealer in horses, No. 61,738 C.; *John Davies*, assignee.—*Jos. Taylor*, Old Fish-street, London, coffee-room keeper, No. 54,815 T.; *Wm. Jackson*, assignee.—*Wm. Isaac Strugnell*, Park-side, Knightsbridge, Middlesex, estate agent, No. 54,639 T.; *Thos. Harris*, assignee.—*Geo. Wilson*, Newcastle-upon-Tyne, lieutenant in her Majesty's Navy, No. 1386 C.; *Samuel Sturgis*, gentleman, new assignee, in the room of Robert Renwick, jun., and *William Cowan*, removed.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Wednesday, June 28 at 9.

*Wm. Harris*, Old Gravel-lane, St. George's in the East, labourer.—*Wm. Dibb*, Friar-street, Blackfriars-road, Surrey, patten maker.—*Philip Solomons*, Whitechapel, tailor.—*Wm. Gill*, jun., Cold Bath-square, Clerkenwell, out of business.—*Charles Alfred Lambert*, Charles-street, City-road, coffee-roaster.—*Thomas Edwin Green*, Tower-street, Waterloo-road,

Surrey, brush maker.—*Richard Hunt*, Leonard-street, Shore-ditch, attorney at law.—*Wm. Rust*, Fitzroy-square, Middlesex, footman.

Court-house, WORCESTER, (County), June 28 at 10.

*Daniel Wright*, Rowley Regis, Staffordshire, commission-agent.—*Richd. Bullock*, Hanley-castle, tanner.—*Peter Hammond*, Worcester, hawker.—*S. C. Gray*, Dudley, victualler.—*Hen. Hunt*, Redditch, beer-house keeper.—*Benj. Hammond*, Kidderminster, slater.—*Thomas Meles*, Evesham, dealer in hay.—*John Francis Dalby*, Dudley, attorney at law.—*Thos. Binnall*, Hartlebury, wheelwright.—*Rich. Ketley*, Old Swinford, spade tree turner.—*Wm. Lees*, Stockwood Inkberrow, labourer.—*Benj. Taylor*, Bewdley, huckster.—*Charles Price*, Claimes, painter.—*Joseph Round*, Old Swinford, nailer.—*E. Cartwright*, Old Swinford, civil engineer.—*Edward Crockett*, jun., Deepdale, Sedgeley, Staffordshire, labourer.—*Humphrey Willis*, Droitwich, blacksmith.—*James Knight*, Birmingham, boatman.—*Henry Rudge*, Kidderminster, carpet weaver.—*Joseph Nicholls*, Kidderminster, victualler.

Court-house, WORCESTER, (City), June 28 at 10.

*Thomas Bateman*, Worcester, veterinary surgeon.—*Samuel Green*, Claines, commission-agent.—*Richard Jones*, Diglis, St. Peter the Great, victualler.—*Joseph J. Humby*, Worcester, compositor.

Court-house, KINGSTON-UPON-HULL, June 27 at 10.

*William Page*, Kingston-upon-Hull, town pilot.—*Thomas Watson*, Hull, flour dealer.—*James Beaver*, Hull, shoemaker.—*John Henry A. Reinold*, Hull, out of business.—*William Walker*, Hull, ship chandler.—*Chas. Wm. Brown*, Hull, out of business.—*William Appleyard*, Hull, victualler.—*Etiyah Corden*, Hull, tailor.—*Wm. Witty*, Hull, out of business.—*Ralph Howe*, Hull, glass stainer.—*Henry Rymer*, Hull, out of business.—*James Hearfield*, Kingston-upon-Hull, butcher.

Court-house, YORK, (City), June 29 at 10.

*Thomas Arthur Corlett*, York, accountant.—*John Wadsworth*, Birk's-hall, tailor.—*Wm. Taylor*, York, labourer.—*J. Smith*, York, butcher.—*Martha Berriman*, York, hosier.—*John Rasin*, York, out of business.—*Robert Oake*, York, joiner.—*R. Scurrah*, York, out of business.—*Ann Brown*, York, out of business.—*Wm. Dobson*, York, carter.—*Wm. Stoker*, York, farmer's assistant.

## INSOLVENT DEBTORS' DIVIDENDS.

*James Sagar*, jun., Askrigg, Yorkshire, blacksmith, Rev. Mr. John Winn's, Nappa-mill, near Richmond, Yorkshire: 8d. in the pound.—*Edward Dalby*, Manchester, share broker, Russell's, Manchester: 2d. in the pound.—*Joseph Potts*, Macclesfield, dyer, Bent's, Manchester: 3s. 10½d. in the pound.

## MEETING.

*William Isaac Strugnell*, Park-side, Knightsbridge, estate agent, June 22, Beetholme's, 1, New-inn, Strand, sp. aff.

## FRIDAY, JUNE 9.

## BANKRUPTS.

**JAMES MICHAEL MALLAN**, Ludgate-hill, dentist, June 15 and July 21 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Yates, Bury-street, St. Mary-axe.—Fiat dated June 6.

**JOHN GRIEVE**, Nicholas-lane, Lombard-street, engraver, June 20 at half-past 12, and July 21 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Tillicard & Son, Old Jewry.—Fiat dated June 3.

**JOHN DEWE**, Oxford, bookseller and milliner, June 16 at half-past 1, and July 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Lloyd, 36, Milk-street, Cheapside.

**JOHN CLARKE**, **RICHARD MITCHELL**, **JOSEPH PHILIPS**, and **THOMAS SMITH**, Leicester, bankers, June 22 and July 18 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Berridge & Macaulay, Leicester.—Fiat dated May 31.

**JAMES BREASLEY**, Leeds, victualler, and plumber and glazier, June 22 and July 11 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Dunning & Stawman, Leeds; Smithson & Mitton, 23, Southampton-buildings, Chancery-lane.—Fiat dated June 5.



**WILLIAM MUSGRAVE**, Leeds, Yorkshire, dyer, June 20 and July 11 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Stott, Leeds.—Fiat dated June 2.

**WILLIAM EXLEY**, Manchester, boot and shoemaker, June 26 and July 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Cooper, Manchester; Gregory & Co., Bedford-row.—Fiat dated May 31.

**THOMAS MARRIAN**, Sheffield, Yorkshire, common brewer, June 23 and July 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Parker & Smith, Sheffield.—Fiat dated June 1.

#### MEETINGS.

*Rudolph Moritz Dittrich*, Kingston-upon-Hull, merchant, July 4 at 11, District Court of Bankruptcy, Leeds, pr. d.—*John Cumming*, Tottenham-court-road, furrier, June 16 at 1, Court of Bankruptcy, London, last ex.—*Jabez Vines*, Reading, Berkshire, mealman, July 5 at 1, Court of Bankruptcy, London, last ex. and aud. ac.—*Francis Szarka* and *George Szarka*, New Bond-street, furriers, July 4 at 12, Court of Bankruptcy, London, last ex. and aud. ac.—*Amos Procter* and *Robert Procter*, Kingston-upon-Hull, coach proprietors, July 4 at 11, District Court of Bankruptcy, Leeds, last ex.—*Robert Smith*, Worcester, attorney, June 21 at 11, District Court of Bankruptcy, Birmingham, last ex.—*Thos. Davies*, Grosvenor-square, draper, June 30 at 11, Court of Bankruptcy, London, aud. ac. and div.—*James Wilson*, Lindfield, Sussex, cowkeeper, June 30 at 2, Court of Bankruptcy, London, aud. ac.—*David Ellis*, jun., Haverhill, Suffolk, draper, June 30 at 1, Court of Bankruptcy, London, aud. ac.—*J. Bowie*, Shoe-lane, London, grocer, June 30 at 11, Court of Bankruptcy, London, aud. ac.—*Mason Doughty*, Southorpe, Southampton, farmer, June 29 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Chas. Willmer*, Tillingham, near Maldon, Essex, draper, July 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Robert Halls*, Colchester, Essex, fishmonger, June 20 at 12, Court of Bankruptcy, London, aud. ac.; July 3 at half-past 12, div.—*John Bourke Ricketts*, Leadenhall-street, City of London, merchant, June 29 at half-past 11, Court of Bankruptcy, London, aud. ac.—*John Sawnderson*, Cambridge, horse-dealer, July 8 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Edward Butt*, Great Surrey-street, Blackfriars, Surrey, linen-draper, July 8 at 12, Court of Bankruptcy, London, aud. ac.—*Frederick Gye* and *Richard Hughes*, Fleet-street, London, tea dealers, June 27 at 2, Court of Bankruptcy, London, aud. ac.; July 4 at 2, fin. div.—*James Peters*, Merstham, Surrey, coal merchant, July 8 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Henry Z. Jervis*, Newgate-street, London, money scrivener, July 4 at 11, Court of Bankruptcy, London, aud. ac.—*George M. Hutton*, Ringwood, Hampshire, coach proprietor, July 4 at 1, Court of Bankruptcy, London, aud. ac.—*Henry Kay*, Chiswell-street, Middlesex, victualler, July 5 at 12, Court of Bankruptcy, London, aud. ac.—*Benj. Gray*, Acton-place, Kingsland, flour factor, July 5 at 11, Court of Bankruptcy, London, aud. ac.—*T. W. Coleman*, John-street, Pentonville, coal proprietor, July 5 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Fras. Jenkyns* and *John Hay Hardyman*, Love-lane, Eastcheap, merchants, July 5 at half-past 12, Court of Bankruptcy, London, aud. ac.—*J. Spivey*, Lepton, Kirkheaton, Yorkshire, provision dealer, July 1 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*W. Horn*, Stanningley, Yorkshire, listing maker, Aug. 1 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Geo. Seaborn*, Berkeley, Gloucestershire, baker, July 7 at 11, District Court of Bankruptcy, Bristol, aud. ac.; July 14 at 11, div.—*William Jones*, Park, near Cardiff, Glamorganshire, ship builder, July 4 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*W. Hankayne*, Liverpool, ship chandler, July 5 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*J. Jardine*, Liverpool, merchant, July 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*T. H. Thompson*, Liverpool, merchant, July 7 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*James Stretch* and *Ralph Wharton*, Nottingham, engineers, July 4 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; July 5 at 11, div.—*Chas. Holloway*, Stockbridge, Hampshire, victualler, June 30 at 2, Court of Bankruptcy, London, div.—*Joseph Horatio Ritchie*, Clyde-dock, Rotherhithe, Surrey, shipwright, July 8 at 11, Court of Bankruptcy, London, div.—*L. A. Lewis*, Fleet-

street, bookseller, July 5 at 2, Court of Bankruptcy, London, div.—*Wm. Morrison*, Globe-street, Wapping, cooper, July 4 at 2, Court of Bankruptcy, London, div.—*Henry English*, New Broad-street, London, printer, July 5 at half-past 2, Court of Bankruptcy, London, div.—*John Crouther*, Huddersfield, Yorkshire, corn miller, July 3 at 11, District Court of Bankruptcy, Leeds, div.—*W. Elam*, Huddersfield, Yorkshire, livery-stable keeper, July 6 at 12, District Court of Bankruptcy, Leeds, div.—*Richard Ferris*, Bristol, and *J. H. Butler* and *John Butler*, Liverpool, ship owner, July 5 at 12, District Court of Bankruptcy, Liverpool, div. sep. est. *Rich. Ferris*.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John Adnum*, Dorrington-street, Clerkenwell, upholsterer, July 5 at 12, Court of Bankruptcy, London.—*Chas. Cross* and *Barnard Spaul*, Colchester, Essex, merchants, June 30 at 2, Court of Bankruptcy, London.—*Rich. Rose*, Sutton Valence, Kent, grocer, June 30 at 11, Court of Bankruptcy, London.—*P. Tagg*, Tooley-st., Southwark, slopseller, July 4 at half-past 12, Court of Bankruptcy, London.—*Jas. Hunnybun*, Cambridge, ironmonger, July 4 at 12, Court of Bankruptcy, London.—*Frank Popplewell*, Batley, Yorkshire, blanket manufacturer, July 5 at 11, District Court of Bankruptcy, Leeds.—*Anthony Merga Nantwich*, Chester, watch maker, July 4, District Court of Bankruptcy, Liverpool.—*Thomas Collet*, Osset, Wakefield, Yorkshire, cotton spinner, June 30 at 11, District Court of Bankruptcy, Leeds.—*John Carter*, Elland, Halifax, Yorkshire, corn miller, July 5 at 11, District Court of Bankruptcy, Leeds.—*William Morris*, Brighouse, Halifax, Yorkshire, wire drawer, July 3 at 11, District Court of Bankruptcy, Leeds.—*John Deakin*, Dawley-bank, Dawley, Shropshire, July 8 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before June 30.*

*Thomas Gales*, *William John Guest*, *John Forster Nisby*, and *Matthew Kirtley*, Hylton, Durham, ship builders.—*Isabella Nowell*, Huddersfield, currier.—*Samuel Buckley*, Staley-bridge, Ashton-under-Lyne, Lancashire, shopkeeper.—*Elizabeth Gowen*, Morpeth, Durham, common brewer.—*W. Burgoyne*, Plymouth, Devonshire, builder.—*John Liggins*, Hinckley, Leicestershire, hosier.—*John Anderson*, Aigburth, Lancashire, plumber.—*Richard Gaulton*, Dorchester, licensed victualler.—*John Fawcett*, St. John-street, coach builder.—*William Thompson*, Lytchett Minster, Dorsetshire, merchant.—*John Kirby*, Brooksby-street, Islington, victualler.—*Edw. Miles*, Bridge-house-place, Newington-causeway, Surrey, saddlers' ironmonger.—*Jacob Simmons*, Longwick, Buckinghamshire, corn dealer.—*Thomas Hutchins*, Andover, Southampton, common carrier.—*William Burton*, Cambridge, draper.—*Thomas Smith*, Southampton-street, Strand, wine merchant.—*Robert Gatenby*, High-street, Shadwell, grocer.—*Maurice Seary*, Swndur, near Northop, Flintshire, maltster.—*Samuel Teague*, Birmingham, builder.

#### SCOTCH SEQUESTRATIONS.

*William Neilson*, Edinburgh, baker.—*John McPherson*, Greenock, grocer.—*James McGill*, Glasgow, victualler.—*P. McDonald*, Strathglass, Inverness, cattle dealer.—*Alexander Macpherson*, Laurieston, Glasgow, mason.—*John S. Robb & Co.*, Greenock, merchants.—*Dugald Cameron*, Bridge of Weir, grocer.

#### DECLARATIONS OF INSOLVENCY.

*Ellen Harris*, Portland-place North, Clapham-road, Lambeth, lodging-house keeper.  
*George Goodeve*, Norman-street, Old-street, St. Luke's, rag merchant.  
*Joseph Thompson*, Boroughbridge, Aldborough, Yorkshire, veterinary surgeon.  
*Jonas Whiteley*, Huddersfield, Yorkshire, machine maker.  
*John Froud*, Littleworth, Wheatley, Oxford, carpenter.  
*Benjamin Culum*, Warrington, Lancashire, victualler.  
*William Prince*, Manchester, salesman.  
*John Shaw*, Sheffield, plasterer.  
*William Collins*, Pershore, Worcestershire, retailer of beer.  
*John Pulman*, Whalley, Lancashire, blacksmith.  
*Richard Egmores*, Norwich, coal merchant.  
*Anna Flindell* and *Jane Flindell*, Lancing, Sussex, schoolmistresses.

*John Jeffreys Williams*, Upton, Buckinghamshire, Barrister at Law.

*Thomas Higgins*, Dudley, Worcestershire, stationer.

*John Colley Ludlow*, Warner-street, Dover-road, Newington, Surrey, assistant warehouseman.

*James Pitkin*, Berkhamstead, Herefordshire, plasterer.

*Charles Melton*, High-street, Woolwich, Kent, fly master.

*James Cobb*, Colchester, Essex, dealer in horses.

*Emily Mitchell*, Chester-gardens, Chester-terrace, Lambeth, Surrey, out of business.

*John Turnbull*, Barnard Castle, Durham, millwright.

*Francis Harrison*, Vale of Health, Hampstead, out of business.

*William Davis*, Friends-place, Peckham, tailor.

*Joseph Law*, Sheffield, spring-knife cutler.

### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, June 16 at 9.*

*Geo. Whiffet*, jun., New-street, Dorset-square, Mary-le-bone, bread and biscuit baker.—*Thomas Esberger*, Lambeth-walk, out of business.—*Evan Beane*, St. James's-st., Clerkewell, assistant to a meat salesman.—*Sam. S. Cobham*, Bow-lane, Cheapside, shopman to an oil man.—*Charles Bramhall*, Friday-street, Cheapside, tap keeper.—*Charles Hen. Wilson*, Union-st., Lambeth-walk, Surrey, labourer.—*John Weedon*, James-st., Cole Harbour-st., Hackney-road, stationer.—*James Harmer*, Berkeley-street, Somers'-town, out of business.—*Jas. Bonnor*, Jewin-street, Cripplegate, fishmonger.—*Rich. Dyson*, Shrubby-house, Lower-grove, Brompton, accountant's assistant.—*Rich. Hutchinson*, Gibraltar-row, St. George's-row, Sothwark, out of business.—*Steph. Fogden*, Old Ford-lane, Old Ford, Bow, tide waiter.—*Geo. Dear*, Elizabeth-row, Bermondsey, Surrey, carman.—*Thomas Skitteral*, Norwood, well digger.—*Rob. King*, jun., High-street, Camden-town, brick-layer.

*July 3, at the same hour and place.*

*Simon R. Fraser*, jun., Suffolk-place, Hackney-road, traveller to a carpet warehouseman.—*Peter B. Stretch*, Upper Ebury-street, Fimlico, gentleman.—*Edmund Jos. Rouse*, Torrington-square, Gower-street, New-road, out of employ.—*Th. Champion*, Norbiton, Kingston-upon-Thames, out of business.—*Jas. Street*, Lower Abtead, near Epsom, carpenter.—*John Flintif*, Snake-hill, Rastrick, Yorkshire, innkeeper.—*William Sparskott*, Cedar-cottage, Westow-hill, Norwood, Surrey, out of business.—*J. Swift*, Goswell-terrace, Goswell-road, book-binder.—*Rich. Banks*, Passmore-street, Pimlico, out of business.—*Isaac Minton*, Woolwich, Kent, cowkeeper.

*Court-house, YORK CASTLE, (County), June 30 at 10.*

*Law. Bailey*, Middleton, Quernhow, farmer's assistant.—*Geo. Taylor*, Holme-upon-Spalding, out of business.—*Fran. Taylor*, Osgodby, near Selby, out of business.—*E. Brigham*, Great Gwendale, near Pocklington, out of business.—*Robert Harrison*, Middlesborough, grocer.—*Rob. Johnson*, Bridlington, out of business.—*Wm. Potter*, Malton, hostler.—*Israel Bradley*, Market Weighton, out of business.—*Jas. Jennings*, Barton, near Tadcaster, plasterer.—*Jer. Brown*, Bridlington, joiner.—*Wm. Lee*, Carlton, near Snaith, out of employment.—*Wm. Elgey*, Mars-row, near Gainford, Durham, labourer.—*Wm. Jackson*, Easingwold, grocer.—*Rob. Hall*, Scorton, near Caterick, grocer.—*John Hammond*, Hutton Rudby, near Stokesley, publican.—*Wm. Beilby*, jun., Beverley, butcher.—*Thos. Windass*, Tollgravel, Beverley, serjeant of the Court of Requests at Beverley.—*Edw. Lee*, Linton-upon-Ouse, assistant lock-keeper.—*Phil. Seaton*, Sutton, near Thirk, labourer.—*Jane Dobbing*, widow, Lazenby Grange, Northallerton, out of business.

*Court-house, RICHMOND, Yorkshire, July 3 at 10.*

*John Jackson*, Richmond, joiner.

*Court-house, PRESTON, Radnorshire, July 3 at 10.*

*John Watkins*, Knighton, ostler.

*Court-house, DOVER, Kent, July 3 at 10.*

*Edw. Higham*, Margate, out of employ.—*Thomas Soden*, Dover, surgeon in her Majesty's Navy.—*Stephen Newing*, Temple, Ewell, out of business.—*John Samuel Story*, jun., Dover, attorney at law.—*Steph. Sargent*, Strand-hill, Rye, Sussex, victualler.—*O. Hambrook*, jun., Broadstairs, Ramsgate, chemist.

*Court-house, HEREFORD, (County), June 30 at 10.*

*John Jenkins*, Treaseck, Hentland, farmer.—*Jos. Parker*, Wye-bridge, out of business.—*A. Taylor*, Leominster, attorney at law.

### INSOLVENT DEBTORS' DIVIDENDS.

*James Birch*, Handsworth, Staffordshire, dealer in malt, Griffiths', Birmingham: 2s. in the pound.—*Rev. John Ellis*, Cerrigydruidion, Denbighshire, clerk, June 9, Wyatt's, St. Asaph: 3s. 4½d. in the pound.

### MEETINGS.

*Job Payne*, Great George-street, Bermondsey, carpenter, June 24 at 12, Vallance's, Essex-street, Strand, sp. aff.—*John Drew*, Bristol, victualler, June 25 at 12, Loveless's, Bristol, sp. aff.—*Wm. Holmes*, Inner Temple-lane, barrister at law, June 24 at 1, Garraway's Coffee-house, Cornhill, sp. aff.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*Francis Church*, of Kingsclere, Hampshire; *David Garrick*, of Banwell, Somersetshire; *John Fisher*, jun., of Masham, Yorkshire.

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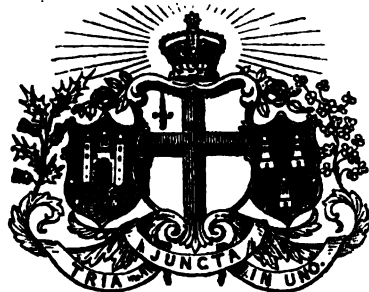
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# The Jurist

No. 336.

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LONDON, JUNE 17, 1843.

Tax Registration of Voters Act just passed (6 Vict. c. 18) not only cures some of the defects, both of commission and omission, of the Reform Act, but removes many of the doubts which have arisen upon the construction of that Act.

The material defect of the deficiency of power in the Revising Barrister to award costs in cases of vexatious and frivolous claims or objections, is removed by the 66th section, which gives power to the Barrister, where any person "shall have made or attempted to sustain any groundless or frivolous and vexatious claim or objection, or title to have any name inserted or retained in any list of voters," to give costs not exceeding 20s. It is not quite clear, from the language of this section, whether, to justify the Barrister in giving costs, the claim must be in all cases *vexatious*, or whether the meaning is, that where the claim is wholly groundless, he may give costs, though it be not vexatiously made; in other words, whether the word "and" has reference only to its immediate antecedent "*frivolous*." If the mere groundlessness of a claim or objection were intended to make the party liable to costs, there seems no room for the "*discretion*" which the clause vests in the Barrister, since every claim or objection which fails in fact a *groundless* claim or objection, though it may be neither frivolous nor vexatious. Neither does it seem to be consistent with the general policy of this Act, and of the Reform Act, of which it is constituted part, to suppose that it is intended to inflict costs on a party, merely on the ground of his failing to sustain his claim or objection, provided he has made it *bonâ fide*; for the effect of that would be to deter parties, not only from objecting to the claims of others, but from themselves claiming the franchise; whereas the policy of the Reform Act seems to be to encourage the bringing forward of *bonâ fide* claims and objections, for the purpose of

establishing all lawful and rejecting all unlawful claims. We should think, on the whole, that, on the true construction of this clause, the Barrister is not to inflict costs, unless the claim or objection be of a vexatious character. It is quite clear, however, that, whenever it is groundless or frivolous, and also vexatious, costs may be given.

The doubts arising in regard to the mode of measuring the statute miles fixed by the 27th section of the Reform Act, are removed by the 76th section of this Act, which determines that the distance shall be understood as measured in a straight line on the horizontal plane, from the point from which under the Reform Act it is to be measured.

With regard to one of the principal features of this Act, viz. that of giving an appeal from the decisions of the Revising Barristers, the ambiguity which existed in the bill as originally drawn, on the question whether an appeal would lie upon the improper reception of evidence, (see JURIST, Vol. 6, p. 398), has been removed; as it is provided by the 65th clause, restricting, or rather defining the operation of the 42nd, that "no appeal or notice of appeal shall be received or allowed against any decision of any Revising Barrister upon any question of *fact only*, or upon the admissibility or effect of any evidence or admission adduced or made in any case to establish *any matter of fact only*." It is not very easy to see what this clause means by excluding from the grounds of appeal the admissibility of evidence to establish matter of *fact only*. Speaking generally, there can be no evidence in any case except to establish matter of *fact*; matter of law being always, not itself a fact, but an inference from facts. And wherever the existence of a fact depends on a legal inference, it is properly not a matter of fact, but a matter of law. For instance, suppose a party claims to vote in respect of his estate as a tenant in tail, and the objection is taken, that the alleged marriage of his parents was invalid, for

that the marriage was not duly celebrated according to law. Here the question for the consideration of the Barrister would be in one sense a matter of fact, marriage or no marriage; but his decision on that fact would involve matter of law, inasmuch as the question, marriage or no marriage, would depend, not merely on the facts occurring in reference to its alleged celebration, but on the construction of the Marriage Acts in reference to those facts. Such a question would be, therefore, really a question of law and fact, and not of fact only. Does the Act then mean, that, in such a case, an appeal would lie on the improper admission of evidence tending to establish the marriage? This point may be doubtful, and the peculiarity of the language of this section leads one to imagine, that the Act has in contemplation that cases may occur of questions of mixed law and fact, as to which it does not mean to exclude an appeal upon the admissibility of evidence. It must be observed, on the subject of appeals, that, though the fact of the Barrister refusing an appeal seems, under the 42nd section, to shut out all appeal, yet the converse does not hold; and the Barrister has no power, merely by granting an appeal, to bring the case within the jurisdiction of the court above, the 65th section forbidding the reception of an appeal if it is on a question of fact only. The most liberal, and perhaps not an unliteral construction of the two clauses referred to, would seem to be, that if, in any case, it occurs that a question is one of mixed law and fact, an appeal ought to be allowed; since such a question is clearly, in some sense, a question of law, and so may be thought within the 42nd section, and is as clearly not a question of fact only, and may therefore be thought not excluded by the 65th. It would however be impossible to say that there is no doubt whether such questions would be the subject of appeal within the meaning of the Act\*.

\* Much, it is obvious, will depend on the mode in which

The last of the clauses which we shall at present notice, removing important legal difficulties, is the 74th, relating to the right to vote in cases of mortgage and trust estates; and here we find also that the objections that suggested themselves to the clause as originally drawn, (see 6 Jur. 446), are removed, as the Act is now settled, by the omission, in regard to the title of the cestuis que trust, of the words "to his own use" which would have created a new doubt. The clause as to trustees now stands thus: that "no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but that the cestui que trust in actual possession, or in the receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same notwithstanding such trust."

Under this clause it is perfectly plain, in the first place, that in no imaginable case will a mere trustee have a right to vote, whether technically in or out of possession or receipt of the rents; and secondly, it seems equally plain, that in every case that can be imagined the cestui que trust will be entitled to vote. For it is impossible to conceive a cestui que trust who is neither in the actual possession, nor in receipt of the rents directly to himself through the technical legal possession of the trustee, nor in the secondary receipt of the rents through the hands of the trustee. A person not in either of these positions would in fact not be a cestui que trust at all. The clause seems therefore to enumerate every possible state of a cestui que trust, and the result is, that, as between trustee and a cestui que trust, the trustee never will be entitled to vote, and the actual cestui que trust always will.

the Barrister's statement is framed. To support an appeal, it should carefully avoid stating as facts any material matters which are at the same time conclusions of law.

### CIRCUITS OF THE JUDGES. (Mr. Justice COLTMAN will remain in town.)

SUMMER CIRCUITS, 1843.	NORFOLK.	HOMER.	MIDLAND.	N. WALES.	S. WALES.	OXFORD.	WESTERN.	NORTHERN.
	Ld. Denman B. Alderson	L.C.J. Tindal B. Parke	Ld. Abinger J. Patteson	B. Gurney	B. Rolfe	J. Williams J. Maule	J. Coleridge J. Erskine	J. Wightman J. Cresswell
Saturday... July 8	.....	.....	.....	.....	.....	Abingdon	.....	.....
Monday .... 10	.....	.....	.....	.....	Cardiff	.....	.....	.....
Wednesday... 12	.....	.....	Northamp-	.....	.....	Oxford	Winchester	York & City
Thursday... 13	.....	Hertford	[ton	.....	.....	.....	.....	.....
Saturday... 15	.....	.....	Lincoln and	Newtown	Carmarthen	Worcester &	.....	.....
Monday .... 17	Buckingham	Chelmsford	[City	.....	.....	[City	Devizes	.....
Wednesday... 19	.....	.....	.....	Dolgelly	.....	Gloucester &	.....	.....
Thursday... 20	Bedford	.....	Nottingham	.....	.....	[City	.....	.....
Friday... 21	.....	.....	[& Town	.....	.....	.....	Dorchester	.....
Saturday... 22	.....	.....	.....	Carnarvon	Haverford-	.....	.....	.....
Monday .... 24	Huntingdon	Maidstone	Derby	.....	[west & Tn.	.....	.....	.....
Wednesday... 26	Cambridge	.....	.....	Beaumaris	Cardigan	.....	.....	Durham
Thursday... 27	.....	.....	.....	.....	.....	Monmouth	Exeter & City	.....
Friday... 28	.....	.....	Leicest. & B.	.....	.....	.....	.....	.....
Saturday... 29	.....	.....	.....	Ruthin	Brecon	Hereford	.....	.....
Monday .... 31	Norwich and	Lewes	.....	.....	.....	.....	.....	.....
Tuesday... Aug. 1	[City	.....	Oakham	.....	.....	.....	.....	.....
Wednesday... 2	.....	.....	Coventry	Mold	Presteign	Shrewsbury	.....	Newcastle &
Thursday... 3	.....	.....	Warwick	.....	.....	.....	.....	[Town
Saturday... 5	Ipswich	.....	.....	Chester	Chester	Stafford	Bodmin	.....
Monday .... 7	.....	Croydon	.....	.....	.....	.....	.....	.....
Thursday... 10	.....	.....	.....	.....	.....	.....	Bridgwater	Carlisle
Saturday... 12	.....	.....	.....	.....	.....	.....	.....	Appleby
Thursday... 17	.....	.....	.....	.....	.....	.....	.....	Lancaster
Friday... 18	.....	.....	.....	.....	.....	.....	Bristol	Liverpool

**Court Papers.****EQUITY SITTINGS, AFTER TRINITY TERM, 1843.****Court of Chancery.***Before the LORD CHANCELLOR, at Lincoln's Inn.*

Thursday .. June 22	First Seal.—Appeal Motions.
Friday .. 23	Appeals.
Saturday .. 24	
Monday .. 26	
Tuesday .. 27	
Wednesday .. 28	
Thursday .. 29	Second Seal.—Appeal Motions.
Friday .. 30	
Saturday .. July 1	
Monday .. 3	
Tuesday .. 4	
Wednesday .. 5	Appeals.
Thursday .. 6	
Friday .. 7	
Saturday .. 8	
Monday .. 10	
Tuesday .. 11	Third Seal.—Appeal Motions.
Wednesday .. 12	
Thursday .. 13	
Friday .. 14	
Saturday .. 15	
Monday .. 17	Appeals.
Tuesday .. 18	
Wednesday .. 19	
Thursday .. 20	
Friday .. 21	
	Fourth Seal.—Appeal Motions.
	Petition Day.

Each day as his Lordship is occupied in the House of Lords excepted. The sittings will close on the 29th July.

**Vice-Chancellors' Courts.***Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Thursday .. June 22	First Seal.—Motions.
Friday .. 23	Unopposed Petitions, Short Causes, and Causes.
Saturday .. 24	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .. 26	
Tuesday .. 27	
Wednesday .. 28	
Thursday .. 29	
Friday .. 30	Unopposed Petitions, Short Causes, and Ditto.
Saturday .. July 1	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .. 3	
Tuesday .. 4	
Wednesday .. 5	
Thursday .. 6	
Friday .. 7	Unopposed Petitions and Short Causes previous to General Paper.
Saturday .. 8	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .. 10	
Tuesday .. 11	
Wednesday .. 12	
Thursday .. 13	
Friday .. 14	Third Seal.—Motions.
	Unopposed Petitions and Short Causes previous to General Paper.
Saturday .. 15	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .. 17	
Tuesday .. 18	
Wednesday .. 19	
Thursday .. 20	
Friday .. 21	Fourth Seal.—Motions.
	Petition-day.—Short Causes previous to Petitions.

The sittings will close on the 29th July.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.*

Wednesday .. June 21	Bankrupt Petitions.
Thursday .. 22	First Seal.—Motions and Causes.
Friday .. 23	Pleas, Demurrers, Exceptions, Causes, and Further Directions.

Saturday .. 24	Unopposed Petitions, Short Causes, and Causes.
Monday .. 26	Bankrupt Petitions.
Tuesday .. 27	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .. 28	Bankrupt Petitions.
Thursday .. 29	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .. 30	Unopposed Petitions, Short Causes, and Ditto.
Saturday .. July 1	Bankrupt Petitions.
Monday .. 3	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 4	Bankrupt Petitions.
Wednesday .. 5	Second Seal.—Motions and Causes.
Thursday .. 6	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .. 7	Unopposed Petitions, Short Causes, and Ditto.
Saturday .. 8	Bankrupt Petitions.
Monday .. 10	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 11	Bankrupt Petitions.
Wednesday .. 12	Third Seal.—Motions and Causes.
Thursday .. 13	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .. 14	Unopposed Petitions, Short Causes, and Ditto.
Saturday .. 15	Bankrupt Petitions.
Monday .. 17	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 18	Bankrupt Petitions.
Wednesday .. 19	Fourth Seal.—Motions and Causes.
Thursday .. 20	Petitions.
Friday .. 21	

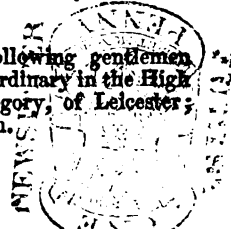
The last day for hearing Bankrupt Petitions will be Monday, the 24th July. The sittings will close on the 29th July.

*Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.*

Thursday .. June 22	First Seal.—Motions and Causes.
Friday .. 23	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .. 24	Unopposed Petitions, Short Causes, and Ditto.
Monday .. 26	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 27	
Wednesday .. 28	
Thursday .. 29	
Friday .. 30	
Saturday .. July 1	Unopposed Petitions, Short Causes, and Ditto.
Monday .. 3	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 4	
Wednesday .. 5	
Thursday .. 6	
Friday .. 7	
Saturday .. 8	Unopposed Petitions, Short Causes, and Ditto.
Monday .. 10	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 11	
Wednesday .. 12	
Thursday .. 13	
Friday .. 14	
Saturday .. 15	Unopposed Petitions, Short Causes, and Ditto.
Monday .. 17	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .. 18	
Wednesday .. 19	
Thursday .. 20	
Friday .. 21	

The sittings will close on the 29th July.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—William Gregory, of Leicester; James Lawes Lockyer, of Plymouth.



## Imperial Parliament.

### HOUSE OF COMMONS.

Thursday, June 15.

Sir James Graham stated that the Local Courts Bill would be proceeded with on the following day; and the Ecclesiastical Courts Bill after the Irish Arms Bill.

The Copyhold and Customary Tenure Bill was read a third time and passed.

### COURT OF COMMON PLEAS.

TRINITY TERM.—6 VICT.—June 15, 1843.

This Court will, on Thursday the 29th day of June instant, hold a Sitting, to give judgment in such cases as stand over for the judgment of the Court.

N. C. TINDAL.

### COURT OF EXCHEQUER.

TRINITY TERM.—6 VICT.—June 13, 1843.

This court will, on Wednesday, the 21st day of June instant, and on the following days, namely, Thursday the 22nd, Friday the 23rd, and Saturday the 24th days of the same month, hold Sittings, and will proceed in disposing of the business then pending in the New Trial and Special Papers.

BY THE COURT.

Read in open Court, Samuel Dare, Master.

### COURT OF EXCHEQUER CHAMBER.

6th June, 1843.

#### SITTINGS AFTER TRINITY TERM.

Errors from the Queen's Bench.....	Friday ....	June 16
	Saturday .....	17
Errors from the Common Pleas.....	Monday .....	19
	Tuesday .....	20
Errors from the Exchequer .....	Wednesday ....	21
	Thursday.....	22

### GENTLEMEN CALLED TO THE BAR.

The undermentioned Gentlemen were called to the degree of Barrister at Law:—

LINCOLN'S INN, June 14.—N. Stainton, C. W. Wood, C. Groom, R. Baggally, Esqrs., and H. White, Esq., B. C. L.

INNER TEMPLE, June 9.—John Lane, Charles Forster, G. F. Pollock, Robert Tassell, G. F. Wilbraham, and A. Pulling, Esqrs.

GRAY'S INN.—W. C. Fooks, Esq.

### London Gazette.

TUESDAY, JUNE 13.

#### INSOLVENT.

HENRY BOURNE, Wolsingham, Durham, attorney at law. BANKRUPTS.

JOHN OLIVER and JOHN YORK, Stoney Stratford, and RICHARD HARRISON, Wolverton, Buckinghamshire, coal and iron masters, June 20 at 2, and July 18 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Sparrier & Chaplin, Birmingham; Fellowes, Dudley, Worcestershire; Chaplin, 3, Gray's-inn square, London.—Fiat dated May 31.

JOHN DEWE and RICHARD DEWE, Oxford, booksellers and stationers, June 16 at 2, and July 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Lloyd, 36, Milk-street, Cheap-side.—Fiat dated June 9

JAMES WILLIAM SUMNER, Reading, Berkshire, builder and stone mason, June 22 at 1, and July 28 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Wansey Lothbury.—Fiat dated June 10.

JAMES PILGRIM, Church-street, Shoreditch, dealer in earthenware, June 22 at half-past 10, and July 31 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Lewis, Wilmington-square.—Fiat dated June 3.

WILLIAM BLOXAM, Duke-street, Grosvenor-square, apothecary, June 27 at 2, and July 25 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Pierce & Co., 3, Church-yard-court, Temple.—Fiat dated June 7.

JOHN DEWHURST, Preston, Lancashire, provision dealer, grocer, and shopkeeper, June 23 and July 13 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Pilkington & Co., Preston; Fidley, 3, Paper-buildings Temple.—Fiat dated May 30.

JAMES CARVER, Dawley, Shropshire, joiner and carpenter, June 21 and July 22 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Potts, Iron bridge, Shropshire.—Fiat dated June 8.

RICHARD LLOYD, Liverpool, licensed victualler, June 2 at 12, and July 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Greatley, Liverpool Wilkinson, 44, Lincoln's-inn-fields, London.—Fiat dated June 8.

#### MEETINGS.

Wm. L. F. Tollemache, Keston, and Lock's Bottom, Kent and Penton lodge, near Andover, Hampshire, horse dealer June 29 at 2, Court of Bankruptcy, London, pr. d.—Thos. B. Molyneux and Percival Witherby, Liverpool, merchants June 27 at 1, District Court of Bankruptcy, Liverpool, pr. d.—Henry Detzileo, Bridport, Dorsetshire, grocer, June 21 at 11, District Court of Bankruptcy, Exeter, ch. ass.—Judah d. Jacob Pariente, Bury-street, St. Mary Axe, London, merchant, June 23 at 12, Court of Bankruptcy, London, last ex.—Edward Perkins, Bishopsgate-st. Without, London, coal dealer, June 22 at 11, Court of Bankruptcy, London, last ex.—Robert Griffiths, Nine Elms, and Belmont-place, Vauxhall Surrey, coal merchant, June 23 at half-past 10, Court of Bankruptcy, London, last ex.—B. H. Thorold, Esq., Harleston, Lincolnshire, and Harlesden-green, Willesden, Middlesex, June 23 at 11, Court of Bankruptcy, London, last ex.—John Thomas Linford and John Weeks, Canterbury, chemists June 24 at half-past 12, Court of Bankruptcy, London, last ex.—Thomas Whitmarsh, Sussex Hotel, Tunbridge-wells, Kent hotel keeper, June 30 at 11, Court of Bankruptcy, London last ex.—Thomas Wright, Edinburgh, and Richard Burgess and Ralph Taylor, Tunstall, Staffordshire, earthenware manufacturers, June 28 at 12, District Court of Bankruptcy, Birmingham, last ex. sep. est. Thomas Wright.—William J. Dauncey, Birmingham, iron merchant, July 7 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—Henn Palmer, Stratford, Essex, timber merchant, July 6 at 11, Court of Bankruptcy, London, aud. ac.—William Goffe, Gilbert-street, Oxford-street, and Farringdon-street, pawn broker, July 4 at half-past 12, Court of Bankruptcy, London, aud. ac.; July 6 at half-past 12, div.—H. G. P. Tucker, Poultry, merchant, July 4 at 12, Court of Bankruptcy, London, aud. ac.—Edw. Howard and James Gibbs, Cork-street Burlington-gardens, Westminster, money scriveners, July 1 at 2, Court of Bankruptcy, London, aud. ac.; July 8 at 1, div.—Thos. O. N. Prichard, Houndsditch, surgeon, June 27 at half-past 1, Court of Bankruptcy, London, aud. ac.; July at half-past 1, div.—Louisa Biggs, Goodrich, Herefordshire, shopkeeper, July 7 at 1, District Court of Bankruptcy, Bristol, aud. ac.—Robert D. Sothorn, St. Helens, Lancashire, builder, July 6 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—John Moncas, Liverpool, chronometer manufacturer, July 4 at half-past 1, District Court of Bankruptcy, Liverpool, aud. ac.—Jas. Parke, Liverpool, druggist, July at 1, District Court of Bankruptcy, Liverpool, aud. ac.; July 6 at 1, div.—S. Boulton and Thos. Addison, Liverpool, stock brokers, July 4 at 2, District Court of Bankruptcy, Liverpool, aud. ac.—Jas. W. Thomas and Sarah Thomas, Bristol, bookkeepers, July 4 at 1, District Court of Bankruptcy, Bristol, aud. ac.; July 5 at 11, div. sep. est. Jas. W. Thomas.—F. Yeatman, Leachdale, Gloucestershire, chemist, July 14 at half-past 1, District Court of Bankruptcy, Bristol, aud. ac.—Hen. Rogers, Dartmouth, Devonshire, wine merchant, July at 12, District Court of Bankruptcy, Exeter, aud. ac.; July



at 1, div.—*Thos. Smithson*, York, tobaccoist, July 5 at 11, District Court of Bankruptcy, Leeds, and ac. and div.—*John Swallow*, sen., *John Swallow*, jun., and *Geo. Swallow*, Brow and Sterne-mills, Skircoat, Yorkshire, corn millers, July 7 at 11, District Court of Bankruptcy, Leeds, and ac. joint est.; July 10 at 11, first and fin. div. sep. est. *J. Swallow*, jun., and *J. Swallow*, sen.—*Jos. Pym*, jun., Belper, Derbyshire, cabinet maker, July 7 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Chas. Scott*, Newcastle-under-Lyme, Staffordshire, carrier, July 5 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; July 6 at half-past 12, div.—*William Carter*, Boraston, Burford, Shropshire, cattle salesman, July 7 at 2, District Court of Bankruptcy, Birmingham, aud. ac.; July 8 at 11, div.—*Thomas Carter*, Stafford, builder, July 5 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; July 6 at 1, div.—*Hen. Hickman*, Dudley, Worcestershire, druggist, July 10 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*David Low*, Adam's-court, Old Broad-st., London, July 6 at 11, Court of Bankruptcy, London, div.—*Jos. Cooke*, New-street, Dorset-square, upholsterer, July 6 at half-past 11, Court of Bankruptcy, London, div.—*E. J. White*, Weaver's-lane, Tooley-street, Southwark, orchil manufacturer, July 4 at 12, Court of Bankruptcy, London, div.—*Wm. Moss*, Kingston-upon-Hull, woollen draper, July 14 at 11, District Court of Bankruptcy, Leeds, div.—*James Parke*, Liverpool, druggist, July 6 at 11, District Court of Bankruptcy, Liverpool, div.—*John Evans*, Liverpool, coal dealer, July 10 at 12, District Court of Bankruptcy, Liverpool, div.—*George Thos. Caswell*, Birmingham, glass dealer, and Wolverhampton, pump maker, July 8 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*Wm. Walker*, Burton-upon-Trent, Staffordshire, mercer, July 6 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*Jos. Barlow*, Lichfield, ironmonger, July 5 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; July 6 at half-past 12, div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*J. Hackins*, Lissou-grove, St. Mary-le-bone, upholsterer, July 5 at half-past 12, Court of Bankruptcy, London.—*Hen. Fletcher*, sen., and *Hen. Fletcher*, jun., Eastington, Gloucestershire, clothiers, July 7 at 11, Court of Bankruptcy, London.—*Thos. Chapman*, jun., Chenies-st., Tottenham-court-road, and Great George-street, Euston-square, dairyman, July 6 at half-past 11, Court of Bankruptcy, London.—*Thos. Rolph*, New Bridge-street, London, merchant, July 7 at 12, Court of Bankruptcy, London.—*Geo. Grealley*, Hatton-garden, Jeweller, July 5 at 11, Court of Bankruptcy, London.—*Dan. K. Price*, Pilgrim-street, Ludgate-hill, warehousemen, July 7 at half-past 2, Court of Bankruptcy, London.—*John Kennedy*, Union Iron-foundry, Llanhilleth, Monmouthshire, iron manufacturer, July 5 at 2, District Court of Bankruptcy, Bristol.—*John Fletcher*, Evesham, Worcestershire, plumber, July 4 at half-past 11, District Court of Bankruptcy, Birmingham.—*Th. Eardley*, Newcastle-under-Lyme, Staffordshire, hatter, July 7 at half-past 11, District Court of Bankruptcy, Birmingham.—*John W. Showell*, Birmingham, bookseller, July 5 at 1, District Court of Bankruptcy, Birmingham.—*William Carter*, Boraston, Burford, Shropshire, cattle salesman, July 8 at half-past 12, District Court of Bankruptcy, Birmingham.—*Geo. Barker*, Ratcliff-upon-Trent, Nottinghamshire, blacksmith, July 6 at 12, District Court of Bankruptcy, Birmingham.—*John Wood*, *Wm. Wood*, *Jos. Wood*, *Samuel Wood*, *Geo. Wood*, and *Joshua Wood*, Liversedge, Yorkshire, machine makers, July 12 at 11, District Court of Bankruptcy, Leeds.—*Wm. Borton*, Kirbymisperton, Yorkshire, banker, July 6 at 11, District Court of Bankruptcy, Leeds.—*John Houghton*, Blackburn, Lancashire, cotton spinner, July 7 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 4.

*Esra Harle*, St. John-street-road, chemist.—*Th. Reynolds*, jun., Great St. Helen's, Bishopsgate-street, merchant.—*Edw. Davies*, King's-mills, Wrexham, Denbighshire, miller.—*Wm. Geo. Docking*, Hampstead-road, cheesemonger.—*Jos. Pym*, jun., Belper, Derbyshire, cabinet maker.—*James Duffield*, Tewkesbury, Gloucestershire, druggist.—*John New. Sargent*, Nottingham, grocer.—*John Hague*, Thames Iron-works, Rotherhithe, Surrey, engineer.—*Alex. Winton* and *Dev. Winton*,

Wood-street, London, warehousemen.—*Geo. Cottam*, Leeds, wine merchant.—*Hen. Blackman*, Cranbrook, Kent, grocer.

## SCOTCH SEQUESTRATIONS.

*James Cameron*, Glasgow, deceased, wright.—*John Martin Rowen & Co.*, Glasgow, engineers.

## DECLARATIONS OF INSOLVENCY.

*Edw. Denman*, Strand-on-the Green, Chiswick, corn meter.  
*Barnabas Heal*, Newport, Southampton, grocer.  
*Wm. Henry Hodson*, Liverpool, shipping agent for seamen.  
*Joel Clemow*, St. Austell, Cornwall, grocer.  
*J. Baker*, Brick-ln., Old-st., St. Luke's, eating-house keeper.  
*J. Robinson*, Liverpool, shoe maker.  
*Godfrey Wood*, Leeds, confectioner.  
*J. Crowther*, Huddersfield, cloth dresser.  
*Rich. Deplidge*, Oxtou, Cheshire, tailor.  
*Geo. Carpenter*, Rye, attorney at law.  
*Maria Harvett*, Handsworth, Staffordshire, schoolmistress.  
*Mary Carver*, Walsall, Staffordshire, grocer.  
*Thomas Smalley*, Walton, Lancashire, joiner.  
*J. Clinch*, Hammersmith, omnibus proprietor.  
*T. Dear*, West Cowes, Isle of Wight, Southampton, painter.  
*J. Bradley*, Sheffield, silver plater.  
*Thos. Johns*, Limehouse-causeway, Limehouse, grocer.  
*J. Brooke*, Liverpool, copper.  
*Harry Stoeman*, Halsted, Kent, out of business.  
*Morris Nathan*, Tottenham-court-road, appraiser.  
*Anthony Gibbon*, Barningham, Yorkshire, dealer in hardware.  
*Wm. Jenkins*, Great Charlotte-st., Blackfriars-road, Surrey, shopman.  
*Joseph Caesar*, Godalming, Surrey, saddler.  
*Anthony Alder*, St. John's-wood-terrace, Regent's-park, provision merchant.  
*C. Summerfield*, Dunstable, Bedfordshire, plumber.  
*Job Coles*, Oxford, baker.

## INSOLVENT DEBTORS.

Saturday, June 10.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Plewes*, Leyburn, Yorkshire, ironmonger, No. 44,974 C.; *Samuel Sturgis*, gentleman, new assignee, in the room of *Walton Alderson*, removed.—*Wm. Crawley*, Wood-street, Brunswick-square, lieutenant in the army, No. 27,429 T.; *Samuel Sturgis*, gentleman, new assignee, in the room of *William Alecock*, removed.—*Cuthbert Hall*, Sunderland, Durham, innkeeper, brewer, No. 48,995 C.; *Samuel Sturgis*, gentleman, new assignee, in the room of *Nathaniel Grace Lambert*, removed.—*Jas. Wells*, Gloucester-st., Hackney-rd., bricklayer, No. 55,069 T.; *William Henry Scott Thornton*, assignee.—*Sam. George*, Boston-st., Dorset-sq., assistant to a baker, No. 54,005 T.; *William Carpenter*, assignee.—*Wm. Thompson*, Liverpool, seaman, No. 60,841 C.; *John Messop* and *John Vessey*, assignees.—*John Herbert*, sen., High-st., Marylebone, painter, No. 54,644 T.; *John Gould Williams*, assignee.—*John Dagley*, sen., Stockingford, Warwickshire, labourer, No. 62,568 C.; *William Cooper*, assignee.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, July 4 at 9.

*Philip Fleming*, Bayham-street, Camden-town, doorkeeper at the Olympic Theatre.—*Wm. T. Ashfield*, Waterloo-road, Surrey, engraver.—*John Reardon*, Bethnal-green-road, cabinet maker.—*Michael Benjamin*, Leman-street, Goodman's-fields, watchmaker.—*George Coal*, High-street, Stoke Newington, pattern designer.—*Thomas Parkin*, Moorgate-street, City, civil engineer.—*Henry James Fitzpatrick*, Cranbourne-street, Leicester-square, and Lyon's-inn, Strand, attorney at law.—*Thomas Parkin*, Gray-street, Manchester-square, harness maker.—*Francis King*, Harder's-place, Harder's-road, Peckham, Surrey, tailor.—*Jas. Thos. Hewson*, Granby-place, Lower-marsh, Lambeth, Surrey, out of business.

Court-house, BRECON, Brecknockshire, July 5 at 10.

*James Davies*, Hay, builder.—*Abigail Morgan*, Bulth, grocer.—*Thos. Bevan*, Nantygwreiddin, Maesoc Dwgmoor, labourer.—*Isaac Jones*, Parkbach, Yselydach, Llywell, labourer.—*Lewis Wm. Jones*, Brecon, saddler.

Court-house, MAIDSTONE, Kent, July 5 at 10.

*Edmund Mills*, Maidstone, chemist.—*Wm. Beale*, Tonbridge-wells, carpenter.—*John Weston*, Smarden, horse

jobber.—*Otto Jacob Geo. Hawkins*, Knockhall, Greenhithe, out of business.—*Andrew W. Piercy*, Herne-bay, collector of pier dues of Herne-bay-pier.—*Wm. Moorland*, Barmingheath, baker.—*George Boddy*, Stockwell-street, Greenwich, dealer in ale.—*Robert D. Dalzell*, Gravesend, manager of estates.—*Edward Cottew*, Halling, labourer.—*Charles Sadler*, Rope-walk, Deptford, superannuated warrant officer of the Royal Navy.—*John Furninger*, Tovil, out of employment.—*Geo. Wilson*, Royal-hill, Greenwich, carpenter.—*Wm. Jones*, Nettlestead and Yalding, victualler.—*John Gardner*, Chalk, near Gravesend, wheelwright.—*Thos. Samson*, sen., Woodchurch, Tenterden, out of business.—*Thos. O. Oliver*, Maidstone, out of business.—*Wm. Omar*, Headcorn, grocer.—*J. Catt*, Tunbridge-wells, smith.—*Geo. Children*, Igham, dealing in hops.

**Court-house, DURHAM, (County), July 4 at 10.**

*Wm. M. Byrne*, Edmondaley, near Chester-le-street, iron-founder.—*Paul Sharpe*, Houndgate, Darlington, joiner.—*T. Embleton*, Sunderland juxta Mare; ship-broker.—*Edward Larkin*, Gateshead, out of business.—*Joseph Bowman*, South Shields, plumber.—*Jas. Garbutt*, South Shields, painter.—*F. Brotherton*, Northgate, Darlington, cooper.—*Francis Donkin*, Monkwearmouth, out of business.—*James Gray*, Ingleby Barwick, Yorkshire, out of business.—*Wm. Teesdale*, Sunderland, publican.—*Jas. Moore*, New Elvet, shopman to a grocer.—*Robert Miller*, Durham, publican.—*John Ingram*, Eggleston Cliffe, butler.—*Matthew Bains*, Quarrington-hill, publican.—*J. Sands*, Heckmondwike, Yorkshire, blanket manufacturer.—*Nicholas Robinson*, Hartlepool, publican.—*Stephen Craig*, South Shields, pitman.—*John Embleton*, Coxhoe, pitman.—*Geo. Harrison*, Gateshead, ship-broker.—*Robert Lock*, Durham, publican.—*Thomas Rowlands*, Hartlepool, bricklayer.—*John Britton*, Houndgate, Darlington, out of business.

**Court-house, CANTERBURY, Kent, July 4 at 10.**

*Henry Pellett*, Canterbury, dealer in horses.—*Wm. Pretti*, Canterbury, retailer of beer.—*Stephen W. Marrell*, Lady Wootton's-green, Canterbury, butcher.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Thomas Riddell*, Surrey-place, Camberwell, dealer in hams, Dawes's, Serjeant's-inn, Fleet-street: 2s. 9d. in the pound.—*Sarah Frangleton*, Wigan, widow, Gaaskell's, Wigan: 20s. in the pound.—*George Bayly*, superannuated clerk in the Customs, June 14, Cowburn & Gay's, 10, Lincoln's-inn-fields: 5s. in the pound.

**MEETING.**

*John Drew*, Hotwells, Clifton, Gloucestershire, builder, June 30 at 12, Loveless's, Bristol, sp. aff.

**FRIDAY, JUNE 16.**

**BANKRUPTS.**

**GEORGE CHAPMAN**, Aylesbury, Buckinghamshire, grocer, June 30 at 11, and July 31 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Norton & Son, New-street, Bishopsgate.—Fiat dated June 6.

**DONALD BLACK, JOHN ALFRED GORE**, and **ROBERT TAYLOR**, Sambrook-court, London, merchants, June 24 at 11, and July 28 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cooper & Wray, Manchester; Ashurst, Cheapside, London.—Fiat dated June 5.

**JOHN BURTON**, Sheffield, butcher, June 27 and July 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sol. Ryalls, Sheffield.—Fiat dated June 10.

**JAMES STOODLEY**, Bridport, Dorsetshire, twine manufacturer, June 23 at 1, and July 19 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Stogden, Exeter; Nicholls, Bridport; Brace, 24, Surrey-street, London.—Fiat dated June 6.

**EDWARD FARMER**, Wellington, Shropshire, tea dealer and grocer, June 30 at half-past 1, and July 19 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Marcy, Wellington.—Fiat dated June 8.

**WILLIAM HALL**, Birmingham, shoe maker, June 30 at half-past 10, and July 19 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Harrison, Birmingham; Chaplin, 3, Gray's Inn-square.—Fiat dated June 10.

**GEORGE LEESON**, Birmingham, factor, June 24 at half-past 12, and July 27 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Lowe, Birmingham.—Fiat dated June 10.

**THOMAS LAMPEN**, Devonport, Devonshire, linen draper, June 23 at 1, and July 19 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Stogden, Exeter; Beer & Rundle, Devonport; Penkivil, West-st., Finsbury-circus.—Fiat dated May 24.

**JOHN DONNELLY**, Liverpool, merchant, June 30 at half-past 12, and July 28 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Gunnery, Liverpool; Maugham & Kennedy, Chancery-lane, London.—Fiat dated June 7.

**JOHN LLOYD DOBSON**, Kidderminster, Worcestershire, carpet manufacturer, June 26 at half-past 12, and July 25 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Suckling, Birmingham.—Fiat dated June 7.

**WILLIAM HASKINS**, Kingswood, Bitton, Gloucestershire, grocer and draper, June 30 at 1, and July 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Hall, Bristol; Clarke & Co., Lincoln's Inn-fields.—Fiat May 25.

**MEETINGS.**

*Jos. Varty*, St. Paul's Church-yard, merchant, June 29 at 11, Court of Bankruptcy, London, last ex.—*R. Chamberlain*, Ipswich, Suffolk, ship owner, June 27 at 11, Court of Bankruptcy, London, last ex.—*Wm. D. Townsend*, Little Russell-street, Covent-garden, pawnbroker, June 29 at 1, Court of Bankruptcy, London, last ex.—*Antonio Mathie* and *Stephen Moore*, Liverpool, merchants, July 11 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.—*George Fairless*, Melbourne, Yorkshire, timber merchant, July 8 at 11, District Court of Bankruptcy, Leeds, and ac.—*John Unsworth*, Liverpool, joiner, July 7 at 12, District Court of Bankruptcy, Liverpool, and ac.—*Wm. Payne*, Hand-court, Holborn, victualler, July 7 at half-past 11, Court of Bankruptcy, London, div.—*Thos. Oriel*, sen., and *Thos. Oriel*, jun., Poland-street, Oxford-street, tailors, July 7 at 12, Court of Bankruptcy, London, fin. div.—*Wm. Young*, Milford Nursery, near Godalming, Surrey, nurseryman, July 7 at 2, Court of Bankruptcy, London, div.—*Henry Reynolds*, Liverpool, druggist, July 8 at 12, District Court of Bankruptcy, Liverpool, div.—*Geo. B. Brown*, Liverpool, commission merchant, July 11 at 12, District Court of Bankruptcy, Liverpool, div.—*Thomas McConkey* and *And. Howie*, Lambeg, Downshire, bleachers, July 11 at 11, District Court of Bankruptcy, Liverpool, div.—*William James*, West Bromwich, Staffordshire, coal master, July 4 at half-past 11, District Court of Bankruptcy, Birmingham, div.

**CERTIFICATES**

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Reynolds*, London-road, Surrey, draper, July 7 at half-past 2, Court of Bankruptcy, London.—*William Paine*, Stony Stratford, Buckinghamshire, baker, July 11 at half-past 11, Court of Bankruptcy, London.—*Nathan. Wegg*, East-street, Greenwich, Kent, victualler, July 11 at 12, Court of Bankruptcy, London.—*Chas. Bunyard*, Nelson's-place, Old Kent-road, grocer, July 12 at 12, Court of Bankruptcy, London.—*Thos. Heridge*, Upper Wharton-street, Clerkenwell, builder, July 7 at 11, Court of Bankruptcy, London.—*Franc. Jenkyns* and *John H. Hardyman*, Love-lane, Eastcheap, merchants, July 11 at 11, Court of Bankruptcy, London.—*Nick. Tuile*, Liverpool, wholesale poulterer, July 11 at 1, District Court of Bankruptcy, Liverpool.—*Thos. Brooke*, Liverpool, victualler, July 10 at 11, District Court of Bankruptcy, Liverpool.—*Kenneth M. Lead* and *John B. Wood*, Liverpool, ship chandlers, July 10 at 1, District Court of Bankruptcy, Liverpool.—*David Bolton*, Kingston-upon-Hull, corn merchant, July 11 at 12, District Court of Bankruptcy, Leeds.—*John Lewis*, Fernhill, Shropshire, draper, July 10 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 7.*

*Robert Barnes*, Newcastle-upon-Tyne, shipwright.—*Edwin Thompson*, East Grinstead, Sussex, corn dealer.—*E. Dickinson*, Longden, Shropshire, draper.—*G. Harris*, Dorking, Surrey, tailor.—*Sam. Glyde*, Southampton-row, Russell-square, and Yeovil, Somersetshire, grocer.—*Andrew Leighton*, Liverpool, merchant.—*Hen. Hughes* and *Wm. Hunter*, St. Leonard's on Sea, Sussex, builders.—*John E. Pearson*, Sheffield, wine merchant.—*William Cribb* and *Benjamin Cribb*, Clarence-wharf, Regent's-canal-basin, Regent's-park, lucifer-match manufac-

turers.—*Thos. Jones*, Glyn, Llanfihangel y Traethan, Merionethshire, cattle salesman.—*Sass. Denks*, Wednesbury, Staffordshire, screw manufacturer.—*Hugh J. Roberts*, Old London-street, London, merchant.—*Henry Medley*, Leeds, oil merchant.

## FIAT ANNULLED.

*Jones Cole Wahne*, Stowmarket, Suffolk, wine and hop merchant.

## SOOTCH SEQUESTRATIONS.

*Alex. Laurence*, Piercesfield, Inverkeilor, farmer.—*R. Goppy & Co.*, Glasgow, merchants.—*Charles Murray*, Leith, builder.—*Andrew Hsie*, Drips, Lanarkshire, brick and tile maker.—*Edward Piper*, Edinburgh, coach contractor.

## DECLARATIONS OF INSOLVENCY.

*James Cobb*, Colchester, Essex, dealer in horses.  
*Wm. Jones*, Conway, Carnarvonshire, iron-founder.  
*Wm. Howarth*, Chorley, Lancashire, saddler.  
*William Lambert*, Aughton, Yorkshire, farmer.  
*Edward Lambert*, Aughton, Yorkshire, farmer.  
*Rich. Wm. Webb*, Savil-row, Walworth-road, Surrey, attorney at law.  
*Fred. K. Hunt*, Charles-st., Blackfriars, Surrey, surgeon.  
*Joseph Beazley*, Liverpool, dealer in toys.  
*John Crapper*, Rotherham, Yorkshire, tailor.  
*Michael Quin*, Brompton, Gillingham, Kent, staff-serjeant of the East India Company's Artillery.  
*Amos Ingham*, Harrington, Toxteth-park, Walton-on-the-Hill, Lancashire, chemist.  
*John Eccles*, Dudley, Worcestershire, horse dealer.  
*Thomas Cole*, Cheltenham, Gloucestershire, innkeeper.  
*William Warren*, Bristol, butcher.  
*Francis Croeland*, Bradford, Yorkshire, shoemaker.  
*George Scumrah*, Chapel-place, Liverpool-road, Holloway, general chandler-shop keeper.  
*Charles Michel Solomons*, Hereford-place, Commercial-road, Sequey, out of business.  
*Henry Perry*, Birmingham, tailor.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, July 8 at 9.

*John Cogan Francis*, Paul-street, and Luke-street, Finsbury, out of business.—*James Allen*, Great Exeter-street, Lion-grove, shopman to an oilman.—*Henry Fry*, James-st., Bethnal-green, carman.—*Geo. Rich. Warner*, Edward-street, City-road, clerk in the Bank of England.—*Harris Gomm*, Bell-street, Edgeware-road, builder.—*Mary Ann Saunders*, Page's-walk, Grange-road, Bermondsey, widow.—*Sarah Peters*, Garrett-lane, Wandsworth, Surrey, spinster.—*Alexander John Burghart*, Berwick-street, Soho, shopman to a tailor.—*Wm. Brace*, Britannia-terrace, City-road, journeyman printer.—*Harriet Ann Woods*, Gray's-inn-lane, coffee-house keeper.—*Jacob Nicholls*, Mall, Kensington Gravel-pits, Kensington, wheelwright.—*Samuel Bandy*, Chapel-place, Brompton, journeyman baker.—*Thomas Wm. Broderick*, Regent-street, City-road, out of business.—*Jeremiah John Kelly*, High-st., Shadwell, licensed victualler.—*Jas. Gomm*, Bell-street, Edgeware-road, Marylebone, builder.—*Price Humphreys*, Old Cavendish-st., Cavendish-square, commission-agent.—*George Singleton*, Well-street, Camberwell, Surrey, commercial clerk.—*Wm. Ed. Butcher*, Linden-place, Kensington Gravel-pits, Kensington, haberdasher.—*Ed. Brooks*, Assembly-row, Mile-end-road, clerk to a papermaker.—*George Sweetlove*, Tower-st., Seven-dials, pianoforte maker.

July 10, at the same hour and place.

*Richard Tugwell*, Reigate, Surrey, shoemaker.—*Rosa A. Hamilton*, Pickering place, Bayswater, governess.—*Henry Bore*, Clarence-grove, Kentish-town, carver.—*W. M. Stoney*, Sim-place, East-street, Walworth, general dealer.—*J. Woollett*, Trafalgar-street, Walworth, Surrey, builder.—*Hen. Jas. Bloodworth*, Vauxhall-walk, Lambeth, potter.—*C. Saffrey*, Denmark-st., St. George's in the East, licensed victualler.—*Thos. Newhall*, Nelson-square, Blackfriars-road, Surrey, out of business.—*Henry Hubbard*, Bow, Middlesex, builder.—*W. F. H. Blanchard*, Great Portland-street, Oxford-street, general dealer.—*Mary Evans*, Clothworkers' Alms Houses, Hart-street, Wood-street, Cripplegate, servant.—*Rich. Walte*, Manor-place, Walworth, Surrey, out of business.—*A. W. Guthrie*, Goswell-street, St. Luke's, ornamental painter.—*Wm. Barlow*, Paradise-terrace, Liverpool-road, Islington,

stone mason.—*Robert Sayer*, Chapel-street, Pentonville, clerk to an envelope manufacturer.—*Wm. Eastes*, Summer's-terrace, Osulston-street, Somers'-town, out of business.—*Rich. Whittle*, Broad-wall, Blackfriars, shoemaker.—*Robt. Evennett*, York-terrace, Union-road, New Kent-road, Surrey, dealer in cigars.—*Thos. John Bayly*, Cannon-street, London, out of business.—*Moses H. Botibol*, Bridgewater-sq., Barbican, plumassier.

Court-house, CARMARTHEN, (County), July 7 at 10.

*John Thomas*, Llandilo, tailor.—*Rees Jones*, Carmarthen, out of business.—*George Barnes*, Llanelly, farmer.—*Thomas Evans*, Llanelly, painter.—*B. Harries*, Llanelly, painter.—*L. B. Morgan*, New Church, out of business.—*H. Howell*, Llanmadock, master mariner.

Court-house, CARMARTHEN, (Borough), July 7 at 10.

*Thomas Griffiths*, Carmarthen, butcher.—*Robt. Richards*, Carmarthen, out of business.—*John L. Brigstocke*, Carmarthen, printer.

Court-house, COLCHESTER, Essex, July 8 at 10.

*Robert Folkard*, Colchester, jobber.

Court-house, NEWCASTLE-UPON-TYNE, (Town), July 7 at 10.

*Henry Ingo*, Newcastle-upon-Tyne, ship owner.—*William Cook*, Newcastle-upon-Tyne, auctioneer.—*James Rutherford*, Newcastle-upon-Tyne, out of business.—*George Raine*, Newcastle-upon-Tyne, publican.—*Charles Rhodes*, Newcastle-upon-Tyne, out of business.—*John Sessford*, Newcastle-upon-Tyne, musician.—*John Watson*, Newcastle-upon-Tyne, out of business.—*W. W. Bevens*, Newcastle-upon-Tyne, waterman.—*Alexander Thompson*, Newcastle-upon-Tyne, master of a steam packet.—*Ralph Gillespie*, Newcastle-upon-Tyne, labourer.—*John Taylor*, Gateshead, cartman.—*Fras. Johnston*, Newcastle-upon-Tyne, builder.—*Anthony Allen*, Newcastle-upon-Tyne, greengrocer.—*John Gallon*, Newcastle-upon-Tyne, ship smith.—*George Stevenson*, Gateshead, cork cutter.—*John Bone*, Newcastle-upon-Tyne, clerk in a mail-coach office.—*Lawrance Mackey*, Newcastle-upon-Tyne, looking-glass manufacturer.—*Richard Jackson*, Newcastle-upon-Tyne, clerk to a builder.

Moot Hall, NEWCASTLE-UPON-TYNE, (County), July 7 at 10.

*John Patrick*, Belford, linen draper's assistant.—*Thos. J. Horsley*, Morpeth, cartman.—*A. Jackson*, North Shields, glazier.—*Humphrey Henderson*, Workworth, shoemaker.—*John Waugh*, Stayley, near Hexham, cartwright.—*Mary Best*, Wall Houses, near Hexham, spinster.

Court-house, IPSWICH, Suffolk, July 10 at 10.

*James Balls*, Layfield, innkeeper.—*Chas. Grimwood*, Tad-denham, Ipswich, builder.—*Henry Chandler*, Leiston, tailor.—*Jas. Whyard*, Bawley, publican.—*Jas. French*, Hoxne, shoemaker.—*Sam. Armstrong*, Melton, surgeon.—*Geo. Page*, Crawford, farming labourer.—*Henry Stevenson*, Ipswich, post lad.—*Wm. Barker*, Eyke, butcher.—*Amos Goodchild*, Needham-market, glover.—*Wm. Fisher*, Woodbridge, baker.—*J. Hearnsum*, Ipswich, carpenter.—*J. Bird*, Ipswich, gardener.

Court-house, CHELMSFORD, Essex, July 7 at 10.

*George Lloyd*, Hadleigh, near Rayleigh, baker.—*John B. Martin*, Great Baddow, harness maker.—*Wm. Dorlin*, Halstead, miller.—*Alfred Waldron*, Brentwood, attorney at law.—*Geo. Everett*, Colchester, tailor.—*Elizabeth Eckworth*, widow, Rayleigh, baker.—*Fred. Arthy*, Epping, victualler.—*Abraham Wright*, Helions, Bampstead, victualler.—*John U. D. Johnson*, Waltham Abbey, architect.—*J. Pearson*, Chipping Ongar, beer seller.—*Peter Pryke*, Braintree, shopman.—*Geo. Clay*, Fryering, near Ingatstone, blacksmith.—*Sam. Hayward*, Braintree, coachman.—*Wm. Hand*, Dovercourt, tailor.—*Sam. Francis*, jun., Southwold, near Brentwood, carpenter.—*Benj. B. Halton*, jun., Ilford, dealer in wool.

## INSOLVENT DEBTORS' DIVIDENDS.

*P. W. C. Harvey*, landing waiter in the Customs, at Johnson's, High-street, Peckham: 3d. (in the pound (in addition to former divs. of 9s. 8d.)).—*Henry Browne*, Stanhope-terrace, Regent's-park, surgeon, June 19, at Eveleigh's, 32, Upper Albany-st., Regent's-park: 1s. 2½d. in the pound.

## MEETING.

*Moses Mann*, Nettswell, Essex, farmer, July 6 at 1, Gee & Taylor's, Bishop's Stortford, sp. affairs.

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H. M. Solicitor-General.

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Mr. A. Marshall.

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Mr. W. Moore.  
Mr. J. A. Sharpe.  
Mr. J. H. Whitaker.

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# The Jurist

No. 337.

LONDON, JUNE 24, 1843.

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LONDON, JUNE 24, 1843.

"EVERY poor person or persons which have or hereafter shall have cause of action or actions against any person or persons within this realm, shall have, by the discretion of the Chancellor of this realm for the time being, writ or writs original, and writs of subpoena, according to the nature of their causes, therefore nothing paying to your highness for the seals of the same, nor to any person for the writing of the same writ or writs to be hereafter sued, and that the said Chancellor for the time being shall assign such of the clerks which shall do and use the making and writing of the same writs, to write the same, ready to be sealed; and also learned counsel and attorneys for the same without any reward taken therefore; and after the said writ or writs be returned, if it be afore the King in his Bench, the justices then shall assign to the same poor person or persons counsel learned, by their discretions, which shall give their counsels nothing taking for the same, and likewise the justices shall appoint attorney and attorneys for the same poor person or persons, and all other officers requisite and necessary to be had for the speed of the said suits to be had and made, which shall do their duties without any reward for their counsels, help, and business in the same." These are the words of the stat. 11 Hen. 7, c. 12, upon which the practice of allowing persons to sue in formâ pauperis is founded. They have no reference it will be observed to the payment of costs by an unsuccessful pauper plaintiff to the opposite party, for at that time costs were not allowed to defendants in any case. And the object of the statute was to provide for paupers suing, without being obliged to pay any fees to the officers of the court or their counsel or attorneys. Even before the statute, it seems that the courts had power to allow persons to sue in this manner. In *Brunt v. Wardle*, (3 M. & G. 542), Tindal, C. J., says, "But after all, is the 11 Hen. 7, c. 12,

anything more than confirmatory of the common law?" and refers to a note of Serjeant Manning, in the report of the Serjeants' case, p. 41, in which a case is referred to that occurred in the 15 Edw. 4, twenty years before the passing of that act, from which it appears, that at common law if a party would swear that he could not pay for entering his pleadings, the officer was bound to enter them gratis, and that in the Court of Common Pleas there was a "presignator pur les poers." The same opinion is expressed by Patteson, J., in *Pitcher v. Roberts*, (2 Dowl. P. C., N. S., 394). The 22 Hen. 8, c. 16, by which, if the plaintiff were nonsuited, or a verdict passed against him, the defendant was to have judgment to recover his costs, provided "that all and every such poor person or persons being plaintiff or plaintiffs in any of the said actions, bills, or plaints, which at the commencement of their suits or actions be admitted by discretion of the judge or judges where such suits or actions shall be pursued or taken, to have their process and council of charity without any money or fee paying for the same, shall not be compelled to pay any costs by virtue and force of this statute, but shall suffer other punishment as, by the discretion of the justices or judge afore whom such suits shall depend, shall be thought reasonable." In considering the cases we are about to mention, it is necessary to bear in mind that the former statute related to the exemption of a pauper from paying what may, for brevity sake, be called his own costs; and this to his exemption from payment of costs to the defendant, for which when the first statute was passed it was unnecessary to provide; as, whether he sued in formâ pauperis or not, no such costs were payable. In *Brunt v. Wardle* before cited, an application was made to the court to rescind an order by which the plaintiff was admitted, after the commencement of the suit, to sue in formâ pauperis, and it was held that such an order might be made. It is unnecessary to notice the cases which were cited in argument, as this case may

be considered as settling the point which it professes to decide. And what that point was, may be best ascertained from the learned Judges' own words. Chief Justice Tindal says, "The statute of the 11 Hen. 7, c. 12, is an enabling statute passed for the purpose of conferring a boon upon the poor; its title being, 'A mean to help and speed poor persons in their suits.' Therefore, unless the act in express terms or by necessary implication requires that a plaintiff shall only be admitted to sue in formâ pauperis before the commencement of his suit, we cannot import it into any such condition. The statute contains no such condition. . . . With respect to the 23 Hen. 8, c. 15, it does not appear to me to warrant the position for which the defendant contends. . . . The proper construction of that act may be to place persons suing in formâ pauperis in a less favoured position where they are so admitted pendente lite; but it does not deprive them of the benefit of the former statute." Erskine, J., says, "This is not a question arising upon the 23 Hen. 8, c. 15, as to what would be the effect of the plaintiff being nonsuited, or of a verdict passing against him; but whether the original order admitting the plaintiff to sue in formâ pauperis after the commencement of the action, was a valid order or not." And Maule, J., "The insertion of the words 'at the commencement of their suits or actions,' may be accounted for either by their being unnecessarily inserted, or by their being introduced for the purpose of depriving of the benefit of that provision, such persons as might be admitted to sue as paupers after the commencement of the action; assuming that they might be so admitted pendente lite." In this case, then, the distinction between the two statutes is plainly pointed at; and it is decided, that, so far at least as respects his own costs, a plaintiff may be admitted to sue in formâ pauperis after the commencement of the action.

Then as to the liability of a pauper for costs on a nonsuit or verdict for the defendant where he has been admitted to sue as such after the commencement of the suit—for if admitted before he is excepted by the express words of the statute—this question depends entirely upon the construction of the 23 Hen. 8, c. 15, the 11 Hen. 7, c. 12, having, as we said before, no reference to the defendant's right to recover costs; and if the words of the statute "which at the commencement of their suits or actions shall be admitted to have their process of charity," &c., "shall not be compelled to pay any costs by virtue and force of this statute," were strictly adhered to, it would follow that a person admitted to sue in formâ pauperis after the commencement of the action, would not be excepted from the general operation of the statute, and on a nonsuit or verdict for the defendant, would have to pay costs like any other plaintiff. But by an equitable interpretation it is settled, that he is not liable for costs incurred subsequently to the admission. "By the 2nd section of the statute of Hen. 8, a pauper is exempt from costs only in the event of his being admitted at the commencement of the suit, that is, as soon as the court or judge had jurisdiction to admit him. The statute gives a total exemption from the costs only in case of an admission at the commencement of the suit; if admitted after, then, on the equitable construction of the act, it seems reasonable that he shall not be liable to the

payment of the whole costs, but only to those incurred up to the time of his admission." "Looking at the language of the 2nd section of the stat. Hen. 8, the first observation that occurs is, that, if you follow the words of that act, it does not exempt this lessor of the plaintiff from the payment of any costs, because in terms it only exempts persons admitted to sue in formâ pauperis at the commencement of the suit. . . . I agree that it is reasonable to adopt an equitable construction; that is, such a construction as shall really do equity, not such as shall favour one party, where the statute itself has not favoured him, at the expense of the other. It is equitable to say that he shall be exempted from the payment of costs subsequent to his admission; but it might work great injustice to the defendant, if it were held, that he might be put to costs under an expectation that he must eventually recover them, and then by a retrospective order be exposed to a charge which he never would have thought of incurring, if he had known the plaintiff to be a pauper." (*Doe d. Ellis v. Owens*, 10 Mees. & W. 522, 523). And a similar decision was pronounced in the same term in the Bail Court. (*Pücher v. Roberts*, before cited).

The subject of interlocutory costs still remains to be noticed. A pauper is exempted from these as well as from the costs payable at the termination of the action. (*Pratt v. Delarue*, 10 Mees. & W. 509). This is not by virtue of any statute, for the 23 Hen. 8 does not apply to such costs, but by a long-established practice. An exception has been made to it, where a pauper omits to proceed to trial pursuant to a notice or undertaking, when he may be made to pay costs, though he has not been dispaupered. Cases may however arise, which, though apparently within the rule which exempts a pauper from interlocutory costs, are not really so. Thus, the court, in the exercise of its discretion, may allow something to be done by him in the course of the proceedings, upon payment of costs; as, for instance, to amend the record. In such a case he cannot insist upon being exempted from costs, but must take the benefit cum onere, and, if he avails himself of the permission, perform the condition upon which it was given. This rule was lately acted upon by Wightman, J., in the Bail Court, but we are not aware that the case has been any where reported.

#### ON THE EFFICACY OF THE ORDINARY LIMITATIONS TO PREVENT DOWER.

(From a Correspondent).

A remarkable oversight appears to have been committed in the framing of the ordinary limitations to prevent dower, of such a nature as entirely to deprive them of their supposed efficacy. As the form given by the celebrated Fearn (to whom these limitations owe their origin) is equally obnoxious to this accusation with the forms in common use at the present day, some cogent reasoning will naturally be expected in support of so bold an assertion. It is to be premised, that though this objection does not apply to the preliminary power of appointment, which would enable the husband to defeat his wife's dower after it had attached, but only to the subsequent limitations in default of appointment, it may be important wherever (as sometimes happens) the power is not inserted in the limitations; or where upon a sale, for want of some due formality, or for some



other reason, it is not exercised, or where the husband dies without having sold the estate or exercised the power, and the widow claims her dower against his devise or heir. The omission (in pursuance of the recommendations of Mr. Butler and other eminent conveyancers) of any testamentary power, may give rise to many cases of this kind.

Mr. Fearn's form was proposed in these words:—(Cont. Rem. p. 347 n., 7th ed.): "For this purpose the land may be limited to the use of his appointees, &c., (in the fullest manner), and in default of appointment, to the use of him and his assigns during his life; and from and after the determination of that estate by any means *in his lifetime*, to the use of some person and his heirs during the natural life of the purchaser, in trust for him and his assigns; and from and after the determination of the estate so limited in use to the said trustee and his heirs, to the use of the purchaser, his heirs and assigns for ever." The words printed in italics in the above extract, are those to which I object, as preventing the intended effect of the limitation; and these words are inserted in nine out of ten of the forms in common use. Without them, the efficacy of the limitation has been settled by authority. (3 Lev. 437). With them, there is no decision or authority in its favour, except *Cordal's case*, (Cro. El. 316), which has been repeatedly overruled. (See Cas. temp. Hard. 13; 2 Saund. 386\*).

At common law the well-known rule is, that dower does not attach upon an estate of inheritance in remainder, whether vested or contingent; and the object of the limitation to the trustee is, to prevent the estate for life of the husband from so uniting with his remainder in fee, as to bring the latter into the position of an estate in present possession. By interposing a vested estate of freehold in another person, such union or merger is prevented. By interposing a contingent estate of freehold, (less than a fee-simple), such union or merger is not prevented so long as the estate remains contingent, and the two estates unite subject to be disunited upon the happening of the contingency. (*Hooker v. Hooker*, Cas. temp. Hard. 13; 2 Saund. 386; *Colson v. Colson*, 2 Atk. 247; *Chudleigh's case*, 1 Rep. 80; Co. Litt. 28. a.)

The form now in use was suggested by the case of *Duncomb v. Duncomb*, (3 Lev. 437), where the limitation, as reported, was to W. Duncomb for life, the remainder to J. S. and his heirs, for the life of W. Duncomb, the remainder in tail to W. Duncomb. W. Duncomb married the demandant and died without issue, and it was objected to her claim of dower, that the remainder to J. S. was but a possibility in case the tenant for life should commit forfeiture, but in the meantime the whole estate was executed in W. Duncomb. The reporter merely says, that upon the first argument the court hastily gave judgment for the tenant; obviously upon the ground that the remainder to J. S. was vested, as was expressly decided upon a similar limitation in the case of *Smith d. Dormer v. Parkhurst*, (18 Vin. Abr. 413; Willes, 327; 3 Atk. 135; 4 Bro. P. C. 353), in which case the question was, not whether dower attached, but distinctly whether the estate vested.

The reason for holding such a remainder to be vested is plain, when the definition of a vested remainder is remembered, namely, that it is a remainder limited to commence upon such conditions as must necessarily include every possible event on which the preceding estate

may determine. And in considering the terms in which the remainder is limited to commence, we wholly shut out of view the manner in which it is limited to determine; so that if, looking at the manner of its commencement alone, and regarding it as of infinite duration, we find it vested,—it is not the less vested, because in respect of its duration it is so precarious, that the time for its determination may arrive before the time for its commencement in possession. "It is not the uncertainty of ever taking effect in possession that makes a remainder contingent; for to that every remainder for life or in tail is and must be liable, as the remainderman may die or die without issue before the death of the tenant for life. The present capacity of taking effect in possession, if the possession were to become vacant, and not the certainty that the possession will become vacant, before the estate limited in remainder determines, universally distinguishes a vested remainder from one that is contingent." (Ferne, C. R., 7th ed.\*). If, indeed, the duration of the remainder is so accurately adjusted to the duration of the preceding estate, that the moment of its commencement must necessarily in every event coincide with the moment of its determination, it is void; not for any reason founded on the learning of remainders, but because a limitation which on the face of it professes to confer in no event an interest of any appreciable duration, can only be treated as a nullity. And this is all that Mr. Ferne means, when he says that a remainder to B. for the life of A., following a limitation to A. for his own life, would be absolutely void, were it not for the possibility of its taking effect by the forfeiture or surrender of A.'s estate.

If it be true then, that the duration of an estate in remainder is not to be looked at for the purpose of determining whether it is vested or contingent, it must be undeniable, that, in considering such a question, it is indifferent whether we regard the remainder as an estate for life, in tail, or in fee-simple, if we only take care to avoid reducing it to a nullity. If a remainder, limited to A. and his heirs for ever, is contingent, it must be contingent when limited to him for life only; and if it is vested in the one case, it must be vested in the other. This being premised, it will easily be seen whether the particular limitation in question is vested or contingent. The common form runs thus—"To the use of A. during the term of his natural life, without impeachment of waste, and after the determination of that estate *in his lifetime*, to the use of B., his executors and administrators, during the life of A." B.'s estate is limited to commence after the determination of A.'s estate in his lifetime, an event which may never happen, although the determination of B.'s estate by some means

\* So, in *Parkhurst v. Smith*, in Dom. Proc. (Willes, 337), Willes, C. J., in delivering the opinion of the judges, said, "The definition which was given by the counsel for the appellants of a contingent remainder which does not vest, is 'where the particular estate may determine before the remainder can take place in possession, and that if it is uncertain when it will take place in possession, and it may happen that it never will take place in possession, the remainder will not vest.' But this is not a just definition; for if this were true, it would overturn all the settlements that ever were made. I will mention but one instance, though I might mention a thousand; as where an estate is limited to A. for his life, remainder to another and the heirs of his body; I believe no man in his senses ever doubted but this was a vested remainder; and yet it is within their definition; for suppose the remainderman in tail dies without issue before the tenant for life, then this remainder will never take place in possession. As therefore this is not a proper definition, we beg leave to acquaint your Lordships what we think is; and we think there are but two sorts of contingent remainders which do not vest: first, where the person to whom the remainder is limited is not in case at the time of the limitation; secondly, where the commencement of the remainder depends on some matter collateral to the determination of the particular estate."

\* Of course, when dower attaches upon an estate which is subject to open and let in a contingent remainder, it attaches subject to such opening, and will be defeated if the remainder become vested; and for anything that appears upon the report of *Cordal's case*, this was all that was decided upon the question of dower.



must happen. If A.'s estate determine by his death, as it is most likely to do, B.'s estate is not to commence by the terms of the limitation. It is therefore contingent. Try it by substituting a fee-simple for a life estate—"To A. for his life, and after the determination of that estate in his lifetime, to B., his heirs and assigns." Here, B.'s estate is undeniably contingent; can you make it vest by reducing it to an estate pour autre vie?

To this it will perhaps be answered—"We admit the force of your reasoning, if this were an open question; but it proves too much; for it would prove the remainder contingent, even were the objectionable words, 'in his lifetime,' omitted; and *that* point is concluded by authority the other way." To make out that the two cases stand on the same foundation, some such argument as the following must be resorted to. It must be said, that a limitation to A. for his life, and after the determination of that estate, to B. for the life of A., is equivalent to a limitation to A. for his life, and after the determination of that estate by his death, or by any means in his lifetime, to B. until A. shall die; where the event of the determination by death, being incompatible with the existence of the remainder at all, and, *if standing alone*, reducing it to a nullity, as has been already said, must be put out of view altogether; and, being perfectly immaterial to the effect, cannot be material to be mentioned, and may therefore be omitted, leaving the limitation in the common form. Not to object to this sort of argument, that, at best, it only makes out that the limitation, frame it how you will, is contingent, and that the authorities deciding otherwise are contrary to principle, it is to be observed, that it imports into the question the consideration of the *amount* of the estate limited in remainder, a circumstance which has never been taken into account, the inquiry being always confined to the terms in which the estate is limited to commence. It assumes, wholly without authority, and indeed against all authority, that a limitation which is contingent, if it carries the fee, may be made to vest by cutting it down to a life estate; for however the courts might be inclined to stretch the authority of *Duncomb v. Duncomb, &c.*, for the sake of consistency, and in aid of the forms in common use, no one can expect them to go so far as to say that a limitation to B. in fee, in case A. shall forfeit his estate, is vested; and this perhaps is as much as needs be said in answer to an objection founded avowedly, not on principle, but on decisions, and on decisions so unfortunately circumstanced, that they cannot be brought to bear upon the point at all, but by assuming in the first place that they are contrary to law.

It only remains to add, that these words, fatal as I contend them to be in limitations to prevent dower, are perfectly harmless in a limitation to trustees to preserve contingent remainders, for the obvious reason that what is required under such a limitation, is not a present vested estate, but a certainty that a vested estate shall arise to protect the ulterior limitations at the moment when they are threatened by any danger; and as this danger can only happen by the forfeiture or surrender\*

\* Upon the effect of a surrender or merger of the prior life estate, however, a curious and difficult question may arise. Suppose a limitation to A. for life, and after the determination of that estate in his lifetime to B. and his heirs male, with remainder to C. and his heirs for ever. Here the limitation to B. is clearly contingent; that to C. is vested. A. conveys his life estate to C.:—there being at that moment no vested estate between them, the life estate merges in the remainder in fee; and being then determined, the remainder to B. is by the terms of the limitation ready to take effect. Can it do so, or has C. the start of B. by a single moment? The policy of the rule against shifting the freehold would not be adverse to B.'s claim. If it should be held that B. was excluded in this case, it would not be difficult to shew that he could not take by way of remainder in

of the tenant for life's estate, that purpose is answered by limiting a contingent estate to persons in esse to take effect in either of those events. G. S.

### Rebibo.

*The Laws of Excise; being a Collection of all the existing Statutes relating to the Revenue of Excise; with Practical Notes and Forms, and an Appendix of select Cases.* By JOSEPH BATEMAN, LL.D., of Lincoln's Inn. [A. Maxwell & Son, 1843.]

The excise was one of the financial expedients adopted by the Long Parliament during the civil war. I had been hitherto unknown in the kingdom, and many objections were made to it, "but the ample and constant supply which it promised ensured its adoption and after a succession of debates and conferences, which occupied the Houses during three months, the new duties, which were in most instances to be paid by the first purchaser, were imposed both on the articles already subject to the customs, and on a numerous class of commodities of indigenous growth or manufacture." (Lingard, 109). And this example was soon followed by the Royalist Parliament at Oxford. Once established, it was too productive not to be continued, however great its unpopularity might be; and after the Restoration the original system appears to have been closely followed. And our readers will remember that the excise of beer, and some other liquors, was granted to the Crown upon the abolition of military tenures. Its progress may be judged of from the fact, that at that time it appears probable that these duties did not produce much beyond 1,200,000*l.*, whilst at the present time the excise furnishes nearly half the revenue of the kingdom. The laws which were from time to time passed relative to the collection and management of this vast revenue had become very numerous and complicated, and were therefore consolidated by the 7 & 8 Geo. 4, c. 53. The above work is intended to supply the place of those which have been thus rendered obsolete. It is divided into two parts: the first containing the general laws relative to the excise, arranged under the various titles of management and regulation, duties and drawbacks, licenses, permits, weights and measures, coast removal, exportation on drawback, and illicit trading in Ireland; and the second, containing the law relative to the various excisable articles, collected and arranged under their appropriate titles, in such a way as to facilitate an acquaintance with their provisions. Upon the usefulness of a publication of this kind, which are collected more than 100 different statutes, is scarcely necessary to remark; and as to that before us, we can safely say, that such of our readers as may have occasion to refer to its pages, or will trouble themselves to look through them, will find that usefulness has been sedulously and successfully studied. But the collecting and arranging acts of parliament, although a task requiring both patience and labour, is not such to entitle an author to claim any particular merit. As it was on this account, that in turning over the pages of this voluminous work, our attention was directed more particularly to the notes, as likely to afford the best indications of the author's aptitude for his undertaking. We had marked for quotation a note at the beginning of the volume, on the nature and origin of the excise, but its length forbids its insertion, and we must proceed to one of a more purely legal character. The following is the note upon the priority and lien of the Crown.

case of a forfeiture committed by A.; that is to say, that in case could be taken by way of remainder; and thus his right to take in both cases by way of springing use would be established since every limitation which can by no means take effect as a remainder may operate as a springing use.

"By the common law, the King has a prerogative of preference in payment of all his subjects, and is first to be satisfied." (Parker, 99). And by 33 Hen. 8, c. 39, s. 74, it is provided, "That if any suit be commenced or taken, or any process be hereafter awarded for the King for the recovery of any of the King's debts, that then the same suit and process shall be preferred before the suit of any person or persons; and that our said Sovereign Lord, his heirs and successors, shall have first execution against any defendant or defendants, of and for his said debts, before any other person or persons; so always that the said King's suit be taken or commenced, or process awarded for the said debt at the suit of our said Sovereign Lord the King, his heirs or successors, before judgment given for the said other person or persons." In order to entitle the Crown to priority under this statute, it is not necessary that a suit should be commenced or process issued, in the ordinary sense of the term; the recording of the Crown's debt is all that is considered necessary to secure the preference. Hence debts of record bind a defendant's lands from the date of the record; (i. e.), in the case of judgments from the first day of the term in which the judgment is obtained; and in the case of bonds in the form prescribed by 33 Hen. 8, c. 39, s. 50, (and which by that act, s. 51, are placed upon the same footing as a statute staple), from the time they are entered into; (and see, as to public accountants, 13 Eliz. c. 4, s. 1; 4 Taunt. 334); and in the case of simple contract debts, from the time of filing the commission and inquisition by which they are made debts of record. (Vide infra, Wightw. 44; and see West, 128-9). The time of recording the Crown's debts, so as to bind goods and chattels, is only reckoned from the *teste* of the Crown process, whether the debt be by judgment, specialty, or simple contract. (Bunb. 30).

"From the time that the Crown's preference has thus attached, (according to the nature of the debt), it cannot be defeated by any sale, (even in market overt, West, 96), mortgage, lease, or incumbrance, subsequently made by the Crown debtor, (so as, in the case of lands, the debt has been registered under 1 & 2 Vict. c. 110, s. 19, amended by 2 Vict. c. 11, and not discharged under sect. 10 of the latter act), but the property on which the preference has attached may be taken at any time afterwards by the Crown process, without regard to any such subsequent sale or incumbrance, or to any lapse of time between the recording of the debt and the actual execution. (2 Roll. Abr. 158, l. 25; Dyer, 224; Godb. 297; Parker, 103; 1 Price, 216; Salk. 603. Sed vide infra)."

"Neither can the Crown's preference be defeated by any execution issued at the suit of a subject, either before or after issuing of the Crown process, so that, although an execution at the suit of a subject may have been delivered into the sheriff's office prior to the sheriff's receipt of the Crown extent, yet if the extent be tested anterior to, or even on the very day on which the subject's execution was delivered to the sheriff, the Crown's debt must be levied in preference to the debt under the earlier execution of the subject, because 29 Car. 2, c. 3, s. 16, (which, as between subjects, binds the defendant's effects from the time of the delivery of the execution to the sheriff) does not extend to the Crown, (*R. v. Mann*, 2 Str. 749, and see Park Rep. 10), the Crown's right standing as it did before the making of that act, and as between the Crown and any other prosecuting creditor, binding the defendant's freehold estate from the day on which the Crown's debt accrued, and his personal effects from the day of the *teste* of the Crown's extent, consequently invalidating all levies made on any such freehold estate or personal property on or after either of such days respectively. (Parker, 25, 126; Bunb. 33,

126). And even if the sheriff, under an execution at the suit of a subject, has actually seized the defendant's effects, which remain in the sheriff's hands unsold at the time of the *teste* of the extent, or at any time after such *teste*, the extent is entitled to the preference; and the sheriff is bound to appropriate the effects in satisfaction of the Crown's debt, without regard to the previous execution. (*Giles v. Grover*, in error, Cl. & Fin. 72; 2 M. & Scott, 197; 9 Bing. 128; *McCl. & Y.* 232; 12 Price, 2, confirming *R. v. Peck*, Bunb. 8; *R. v. Wells and Allnut*, 16 East, 278, and overruling *Rorts v. Dayrell*, 4 T. R. 402; and *Uppom v. Sumner*, 2 W. Bl. 1204; and see *R. v. Sloper*, 6 Price, 114; and see, as to lands, Tidd, Fr. 1052)."

"It may be proper to add, that, whenever the Crown and the subject stand in other respects in equal degree, the Crown is entitled to the preference. Thus, where the title of the Queen and the title of the subject originate on the very same day, (although in point of fact the subject's title accrued at an earlier hour on that day), the preference is due to the Queen. (Park, 126; 2 Ves. 295; 4 Ves. 572; *R. v. Earl*, ubi supra). See as to an extent and assignment tested on the same day, *R. v. Crump*, (2 Show, 481; Parker, 126)."

The following is from the note upon proceedings by extent:—"An extent, or *extendi facias*, is an ancient prerogative writ of execution, issuing out of the Exchequer against a Crown debtor, commanding the arrest of his body, and the inquisition, appraisement, and seizure of his lands and goods, and founded upon the common law, and, so far as its present form and application are concerned, on the statute of 33 Hen. 8, c. 39. This writ may be issued for every description of debt or duties due to the Crown, whether on judgment, bond, simple contract, or otherwise, and for every duty which would form the subject for an action of debt, or which might be recovered by the Crown as liquidated damages in an action of covenant or assumption; (*Mann*, 15; and see *R. v. Wrangham*, 1 C. & J. 408; 1 Tyr. 383); and it may issue for debts not at the time strictly due, as duties which have been charged, but are not actually payable; (*R. v. Williams*, 3 Price, 75); or money for which bills have been drawn or accepted, but the time for payment of which has not arrived. (*R. v. Bebb*, Hughes, 115 &c.; *Mann*, 18)."

"The extent, after reciting the judgment, bond, or inquisition, commands the sheriff, to whom it is directed, to omit not, but to enter and take the defendant, and keep him safely until the debt is satisfied; and to inquire by a jury what lands and tenements, and of what yearly values, and what goods and chattels, and of what sorts and prices, and what debts, credits, specialties, and sums of money, the defendant, or any person in trust for him or to his use, hath in his bailiwick; (and in case of a bond or judgment debt, the inquiry as to lands and tenements extends back to the day on which the defendant first became debtor to the Crown); and to appraise and extend all and singular the said goods and chattels, lands and tenements, debts, &c., and to take and seize the same into the Queen's hands. It then directs the sheriff to summon before him such persons as he shall think proper, and examine them in the premises, and to return the writ on a day named; with a proviso, that he do not sell the goods and chattels until otherwise commanded."

Other passages might be quoted from the notes, but our space forbids it, and we must content ourselves with recommending the book to our readers. The author was already well known to the profession, and the present work is worthy of his former reputation.

## Court Papers.

## Court of Chancery.

## SITTINGS AFTER TRINITY TERM.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*Sh.* Short.

## Before the LORD CHANCELLOR.

## RE-HEARINGS &amp; APPEALS.

Clun Hospital v. Powis } (Ap, Attorney-Gen. v. Earl } Ptn Powis } S O	Tullock v. Hartley (Ap)
Thomas v. Jones (Ap) part heard S O	Dryden v. Burnham } (Ap) Burnham v. Dryden }
Marquis of Westminster v. Morrison (Ap) S O	Walsh v. Gladstone } (Ap) Ditto v. Lord Camoys }
The Sheffield Canal Co. v. The Sheffield & Rotherham Rail- way Co. (Ap)	Langley v. Fisher (Ap)
Morrall v. Sutton (Ap) S O	Arundale v. Bowyer (Ap)
Curtis v. Mason (Ap)	Fisher v. Taylor (Ap)
Salkeld v. Johnson (Ap)	Benson v. Heathorn (Ap)
Elliotson v. Knowles } (Ap) Ditto v. Lackington }	Cottingham v. Earl of Shrews- bury (Ap, 3 causes)
Bampton v. Birchall (Ap)	Booth v. Lightfoot (Ap)
Bampton v. Standish (Ap)	Cutts v. Thodey (Ap)
Frampton v. Cannon } (Ap) Ditto v. Whitmore } (Ap)	Selby (pauper) v. Jackson (Ap)
Attorney-Gen. v. Potter (Ap)	Heighington v. Grant (5 causes Ap)
Thompson v. Derham (Cause by order)	Sherwood v. Walker (Ap)
Barrs v. Jackson (Ap)	Fordham v. Fordham (Ap)
Cresy v. Beaven (Ap)	Bonser v. Cox (Ap)
Young v. Lord Waterpark (Ap)	Att.-Gen. v. Rickards (Ap)
Williams v. Knipe (Ap)	Foley v. Hill (Ap)
Langley v. Horton (Ap)	Foster v. Smith (Ap)
Smyth v. Griffin (Ap)	Bute v. Stuart (E)
Baillie v. Innes } (Ap) Ditto v. Palmer }	Jones v. Howells (Ap)
	Strickland v. Strickland (Ap)
	Pringle v. Crookes (Ap)
	Duke of Beaufort v. Phillips (Ap)
	Smith v. Henley (Ap)

The sittings in the Lord Chancellor's Court will NOT close on the 29th July as stated in the Seal Papers.

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

## Before the VICE-CHANCELLOR OF ENGLAND.

Osbaldiston v. Simpson (part heard)	Harvey v. Bailey
Solomen v. Solomen }	Forster v. Rabbeth
Ditto v. Daniel }	Brook v. Rolfe
Attorney-Gen. v. Baines	Davis v. Davis
Farmer v. Farmer July 10	Beale v. Boot
Sands v. Fincham (part heard) S O	Sparkes v. Sparkes
Norman v. Baldry (F D, C) S O	Bentley v. Smart
Leeds v. Lord Amherst	Harrison v. Andrews } (F D, Ditto v. Tracy } C)
Bazalgette v. Kirlaw (E plain- tiff's)	Holford v. Haneock }
Ditto v. Ditto (E defendant's)	Ditto v. Banner }
Barber v. Southall (F D, C)	Lloyd v. Willings
Fyson v. Pole	Williams v. Lewis (F D)
Willoughby v. Willoughby S O	Copeman v. Pegg
Clarendon v. Cope (F D, C, Cause) S O	Knight v. Cox
Edwards v. Goodwin (E, F D, C)	Mills v. Gardner
Waterton v. Croft (part heard)	Middleditch v. Coletto
Brock v. Piper	Hay v. Rawson
Bailey v. Rancey July 1	Walker v. Gillam
Urquhart v. Urquhart July 1	Parsons v. Bignold
Chappell v. Purley	Bawden v. Tepper
Downes v. Klits	Pope v. Taunton (F D, C)
	Reeves v. Elliott
	Beresford v. Armagh (F D, C)
	Phillimore v. Concy
	Scott v. Moore

Bridge v. Abbott  
Naylor v. Wetherell (Ptn)  
June 23  
Chaplin v. Chaplin (F D, C)  
Bent v. Church  
Att.-Gen. v. Glyn (F D, C)  
Jeffreys v. Coates  
Pinkins v. The Ratcliffe Gas  
Light and Coke Co.  
Cohen v. Jacobs  
Forbes v. Peacock (E, F D)

Gowar v. Bennett  
Beaumont v. Beaumont  
Koester v. Williams  
Cordy v. Williams  
Guest v. Cox  
Milward v. Milward  
Leake v. Alsager  
Danbeny v. Coghlen (F D, C)  
Pearse v. Brook  
Beeston v. Danston

## Before the Vice-Chancellor KNIGHT BRUCE.

Walter v. White	Proudfoot v. Hume }
Dungey v. Savage	Ditto v. Johnson }
Hinson v. Lake S O	Ford v. Fowler
Rogers v. Grazebrook July 11	Cuming v. Thrower
Plimmer v. Meades (pt. heard)	Jones v. Fagg
Boyd v. Bateman Mich. Term	Bristowe v. Wood
Scott v. Fenning	Lewis v. Watkins
Silcock v. Roynow	Crosby v. Derby Gas Light & Coke Co. (F D, E)
Attorney-Gen. v. Dixon	Reynell v. Reynell
Pope v. Garland } (F D) Ditto v. Pope }	Symes v. Ford
Fenner v. Hepburn (E)	York v. Brown
Jelliooe v. Price (F D, C)	Griffith v. Lye
Read v. Gardiner	Thompson v. Geary (3 causes)
Wilson v. Maddison	Lord Walsingham v. Good- riche (E)
Page v. Clements	White v. Paynter }
Conduit v. Soane (F D, C)	Ditto v. Allen }
Hawker v. Nash	Governor v. Miles
Pope v. Garland	Barnett v. Wilson (E, F D)
Jenkins v. Cox	Duke of Marlborough v. Duke of Sussex (F D)
Bagnal v. Thomas	Rickards v. Rickards
Rolph v. Houghton	Bass v. Wellstead }

## Causes transferred from the Master of the Rolls' List.

Skey v. Bennett	Ditto v. Northwood }
Kilby v. Lawrence	Davenport v. Bishop (F D)
Scholefield v. Warner (F D, C)	Davies v. Thomas
West v. Hardwick (F D, C)	Eccles v. Bourjot (F D, C)
Ibbotson v. Smith	Charlton v. Sadler (E, F D, C)
	Ety v. Bridges
	Wyndowe v. Wyndowe (F D)

## Before the Vice-Chancellor WIGRAM.

Broad (pauper) v. Robinson	King v. Smith
Tatan v. Williams S O	Sewell v. Ward
Stapleton v. Bankes (2 causes) S O	Salisbury v. Petty (F D)
Crowfoot v. Mander (E) }	Mucklow v. Brown (F D)
Ditto v. Ditto (E) }	Bawden v. Tepper
Ditto v. Ditto (F D) }	Thompson v. Tooley
Corporation of Gloucester v. Wood	Randle v. Brook (Ptn)
Dickenson v. Fox	Sevier v. Sayer
Walker v. Moorehouse (F D, C)	Courtenay v. Williams
Henderson v. Hunter (E)	Lushington v. Austen
Salter v. Waller	Eltoft v. Brown (F D, C) }
Collins v. Brown	Ditto v. Ditto (P C) }
Dresser v. Thackwray	Allen v. Videan
Wigan v. Bashall	Kendall v. Goldsworthy
Gardner v. Blane (F D, C)	Eamer v. Birch
Jones v. Tyson	Bayley v. Rees
Wade v. Vernon	Chilton v. Brough
Clayton v. Sinclair	Marriott v. Hadfield (F D, C)
Francis v. Spittle	How v. Laurie
Griffiths v. Griffiths	De Visme v. De Visme
Holland v. Woods	Barby v. Smale
Phillips v. Edwards (E) }	Wade v. Cox
Ditto v. Ditto (F D) }	Whale v. Crofton (3 causes) June 23
Batty v. Heycock (E) }	Edwards v. Dodd
Ditto v. Ditto (F D) }	Rylands v. Goode
	Kenyon v. Buckley
	Major v. Aukland

## EQUITY SITTINGS, AFTER TRINITY TERM, 1843.

## Rolls Court.

*Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Thursday .. June 22	Motions.
Friday .....	23
Saturday .....	24
Sunday .....	25
Tuesday .....	27
Wednesday .....	28
Thursday .....	29
Friday .....	30
Saturday .....	July 1
Sunday .....	3
Monday .....	4
Tuesday .....	5
Wednesday .....	Motions.
Thursday .....	6
Friday .....	7
Saturday .....	8
Monday .....	10
Tuesday .....	11
Wednesday .....	12
Thursday .....	13
Friday .....	14
Saturday .....	15
Monday .....	17
Tuesday .....	18
Wednesday .....	19
Thursday .....	20
Friday .....	21
Short Causes, Consent Causes, and Consent Petitions, every Tuesday, at the Sitting of the Court.	

## COURT OF QUEEN'S BENCH.

17th June, 1843.

This Court will, on Thursday the 29th day of June instant, hold a Sitting, and will proceed in disposing of the business in the New Trial Paper, and giving Judgments in cases that may then be pending.

BY THE COURT.

## London Gazettes.

TUESDAY, JUNE 20.

## BANKRUPTS.

- JAMES WATKINS, Exmouth-street, Clerkenwell, draper, June 30 at half-past 12, and August 1 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Mardon & Pritchard, Christchurch chambers, Newgate-street.—Fiat dated June 17.
- CHARLES STATES, Clarendon Hotel, Bernard-street, Southampton, hotel-keeper, June 27 at half-past 1, and July 28 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Smith & Atkins, Serjeant's-inn, London.—Fiat dated June 17.
- FREDERICK MARKBY, Peterborough, Northamptonshire, common brewer, June 27 at half-past 1, and August 1 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Jolley & Wise, March; Meredith & Reeve, Lincoln's-inn.—Fiat dated June 2.
- CHARLES CLARK, Tower-street, Westminster-road, Surrey, baker, June 29 at half-past 1, and July 31 at 2, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Kine, Gracechurch-street.—Fiat dated June 10.
- JOHN LAVENDER GRAY, Jermyn-street, St. James's, Westminster, tailor, July 6 at 12, and July 28 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Whitaker, Furnival's-inn, Holborn.—Fiat dated June 16.
- RICHARD BURTON, Wood-street, Cheapside, silk warehouseman, June 27 at 2, and August 2 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Goddard, King-street, Cheapside.—Fiat dated June 13.

SAMUEL NAPPER, Upper Stamford-street, Blackfriars, Surrey, general dealer, July 4 at half-past 2, and July 28 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Berkitt, Carriers'-hall, 6, London-wall.—Fiat dated June 16.

JAMES ROWE, Blandford-street, Marylebone, ironmonger, June 30 at 11, and August 2 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Clipperton, 17, Bedford-row.—Fiat dated June 17.

ALBINUS CARTER, Custom-house-chambers, Lower Thames-street, London, ship and insurance broker and agent, June 30 at 12, and August 2 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sherwood & Co., 190, Tooley-street, Southwark.—Fiat dated June 16.

JOHN ATKINS, Birmingham, jeweller, June 29 at half-past 12, and August 9 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Colmore & Beale, Birmingham.—Fiat dated June 7.

WILLIAM COOKE, Bradford, Yorkshire, worsted spinner, June 30 and July 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Tolson, Bradford; Blackburn, Leeds.—Fiat dated June 10.

GEORGE WILLIAM TRAVIS, Sheffield, Yorkshire, joiner and builder, June 30 and July 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Smith & Wightman, Sheffield; Sudlow & Co., Chancery-lane, London.—Fiat dated June 15.

RICHARD BOULTON, Farmanby, Ellerburn, Yorkshire, innkeeper and builder, June 30 and July 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Bointon, Pickering, Yorkshire; Dunning & Stawman, Leeds.—Fiat dated June 10.

ROBERT WADDINGTON, Boston, Yorkshire, grocer, July 1 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Sanderson, Leeds.—Fiat dated June 15.

THOMAS WOOD DAVILLE, Sheffield, Yorkshire, stag scale cutter, July 1 and 27 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sol. Blackburn, Leeds.—Fiat dated June 8.

JOHN FROST, Bristol, baker, July 6 and August 10 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Gringdon, Bristol.—Fiat dated June 12.

JOHN HARFORD and WILLIAM WEAVER DAVIES, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, iron founders, and iron merchants, July 17 and August 14 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Cooke & Son, Bristol; Clarke & Co., Lincoln's-inn-fields.—Fiat dated June 14.

THOMAS HUXLEY, Tunstall, Wolstanton, Staffordshire, tailor and draper, June 26 and July 25 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Williams, Stoke-upon-Trent; Smith, Birmingham.—Fiat dated June 12.

JOHN LACON BENNETT, Shifnal, Shropshire, chemist and druggist, June 30 at half-past 12, and July 28 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Bennett, Wolverhampton.—Fiat dated June 12.

ROBERT PRICE, Waterloo, Lancashire, dealer in coals and agent for the sale of coals, July 5 at 12, and August 2 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Murray, Liverpool; Whitehouse, Chancery-lane.—Fiat dated May 30.

ROBERT BROWN, Sunderland, Durham, butcher and ship owner, July 6 at 1, and August 2 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Burn, Sunderland; Crosby & Compton, Old Jewry.—Fiat dated June 8.

ELISHA OLDHAM and THOMAS OLDHAM, Chalford, and Cheltenham, Gloucestershire, builders and railroad contractors, July 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Paris, Stroud; Bubb & Co., Cheltenham.—Fiat dated April 11.

WILLIAM COX BUCHANAN, Dursley, Gloucestershire, money scrivener, July 11 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Bishop & Wells, Dursley, Gloucestershire.—Fiat dated April 23.

## MEETINGS.

*Elisha Oldham and Thomas Oldham, Chalford, Cheltenham,*

Gloucestershire, builders and railroad contractors, July 11 at 11, District Court of Bankruptcy, Bristol, pr. d.—*John Harford and Wm. Weaver Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, July 17 at 11, and July 18 at 12, District Court of Bankruptcy, Bristol, pr. d.—*Ann Smith and John Smith*, Rochdale, Lancashire, merchants, July 14 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*F. Roberts*, New Bond-street, Gower-street North, Middlesex, coal merchant, June 29 at 1, Court of Bankruptcy, London, last ex.—*David Elliot, jun.*, Haverhill, Suffolk, draper, June 30 at 1, Court of Bankruptcy, London, last ex.—*Jas. Whiting*, Seckfords-street, Clerkenwell, carpenter, June 27 at 2, Court of Bankruptcy, London, last ex.—*Thos. Berry*, Lewes, Sussex, spirit merchant, June 30 at 12, Court of Bankruptcy, London, last ex.—*Wm. Harrington, jun.*, High-st., Aldgate, linen draper, July 11 at 10, Court of Bankruptcy, London, last ex.—*J. Davies and H. Edwards*, Westminster-rd., Lambeth, Surrey, linen drapers, July 7 at 1, Court of Bankruptcy, London, last ex. and div.—*Margaret Edmonds*, Park-place, Arlington-street, St. James's, Middlesex, and Hernehill cottage, Herne-hill, Surrey, hotel-keeper, July 11 at 11, Court of Bankruptcy, London, last ex.—*William Adamson*, Hexham, Northumberland, butcher, July 12 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.; July 12 at 2, aud. ac.; July 13 at 1, div.—*Thomas Wrigley*, Westcroft-mill, King-cross, Halifax, Yorkshire, silk waste spinner, July 5 at half-past 11, District Court of Bankruptcy, Manchester, last ex.—*John Whitaker*, New Church, Forest of Rosendale, Whalley, Lancashire, woollen manufacturer, July 6 at 11, District Court of Bankruptcy, Manchester, last ex.—*Beau Roubottom*, Manchester, flour dealer, July 14 at half-past 11, District Court of Bankruptcy, Manchester, last ex.—*J. Hannan*, St. Martin's-lane, victualler, July 11 at half-past 12, Court of Bankruptcy, London, aud. ac.; July 13 at half-past 2, div.—*J. Hutton*, Ringwood, Southampton, draper, July 11 at 1, Court of Bankruptcy, London, aud. ac.; July 13 at 1 div.—*Thos. Seddon and Geo. Seddon*, Calthorpe-pl., Gray's-inn-road, upholsterers, July 11 at half-past 1, Court of Bankruptcy, London, aud. ac.; July 13 at half-past 12, div.—*Jos. Varty*, St. Paul's Church-yard, merchant, July 11 at half-past 10, Court of Bankruptcy, London, aud. ac.; July 13 at 12, div.—*Jas. Marcus Frames*, Gosport, Southampton, grocer, July 11 at half-past 2, Court of Bankruptcy, London, aud. ac.; July 13 at half-past 2, div.—*Chas. Gilby*, Greenwich, victualler, July 11 at half-past 10, Court of Bankruptcy, London, aud. ac.; July 13 at 2, div.—*Samuel Hunton Townsend Bishop*, Upper Ground-street, Blackfriars, Christchurch, Surrey, and Paragon, Blackheath, Kent, iron merchant, July 11 at 2, Court of Bankruptcy, London, aud. ac.; July 13 at half-past 10, div.—*J. Pratt*, Adelaide-street, Strand, surgeon, July 11 at half-past 10, Court of Bankruptcy, London, aud. ac.—*Chas. Milns Nicholson*, New Corn Exchange, Mark-lane, corn dealer, July 11 at 2, Court of Bankruptcy, London, aud. ac.—*John Adams*, Dorrington-street, Clerkenwell, July 7 at 11, Court of Bankruptcy, London, aud. ac.—*Edw. Etches and Hen. Etches*, Hythe, Kent, linen drapers, July 14 at 1, Court of Bankruptcy, London, aud. ac.—*Frederick Lock*, Three Crown-court, Jewry-street, Aldgate, and Arundel-street, Strand, July 14 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Robins and C. Williams*, London-wall, July 14 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Crabb Knight*, Great Suffolk-street, Southwark, Surrey, builder, July 14 at 12, Court of Bankruptcy, London, aud. ac.—*Rob. Attree*, Castle-sq., Brighton, Sussex, hosier, July 8 at half-past 1, Court of Bankruptcy, London, aud. ac.; July 18 at 12, div.—*Geo. Herring*, Rochdale, Lancashire, iron founder, July 18 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 28 at 11 div.—*J. Smith Daintry and J. Ryle*, Manchester, bankers, July 13 at 1, District Court of Bankruptcy, Manchester, aud. ac.; July 14 at 1, div. and sep. est.—*N. Twite*, Liverpool, wholesale poulterer, July 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*S. Tucker*, Exeter, carrier, August 16 at 12, District Court of Bankruptcy, aud. ac.—*Thos. Walker*, Monkwearmouth, Durham, common brewer, July 12 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; July 13 at 11, fin. div.—*Joshua Wood, James Wood, Joseph Wood, Rich. Wood, John Wood, and Charles Wood*, Denby-dale, Cumberworth, Silkstone, Yorkshire, fancy cloth manufacturers, July 14 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 17 at 11, div.—*Wm. Thompson*, Rawdon, Yorkshire, cloth manufacturer,

July 12 at 11, District Court of Bankruptcy, Leeds, aud. ac. July 14 at 11, div.—*Hugh Parker, Offley Shore, J. Breese and John Rodgers*, Sheffield, Yorkshire, bankers, July 11, District Court of Bankruptcy, Leeds, aud. ac.; July 11 at 11, div.—*Joseph Benson*, Birmingham, confectioner, July 13 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; July 15 at half-past 11, div.—*Edward Thornley*, Hinkley, Leicestershire, money scrivener, July 18 at half-past 10, District Court of Bankruptcy, Birmingham, aud. ac.; July 19 at half-past 12, div.—*J. Lambert Forster*, Jewry-street, Aldgate, coach and harness maker, July 11 at half-past 3, Court of Bankruptcy, London, div.—*Joseph James Dell*, Strand, Clement Danes, tavern and hotel keeper, July 7 at half-past 3, Court of Bankruptcy, London, div.—*Edw. De Carle*, Norwich, stone mason, July 7 at 2, Court of Bankruptcy, London, div.—*Wm. Barnes Overton*, Howford-buildings, Fenchurch-st. and Park-road, Dalston, ship and insurance broker, July 11, 3, Court of Bankruptcy, London, div.—*Geo. Collam and Osborn, jun.*, Leeds, wine and spirit merchants, July 10 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 11 at 11, div.—*J. Parker*, Bolton-le-Moors, Lancashire, cotton waste spinner, July 19 at 12, District Court of Bankruptcy, Manchester, div.—*John Scott*, Birmingham, and Moorcroft street, London, railway carriage lamp manufacturer, July 17 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*H. Hickman*, Dudley, Worcestershire, druggist, July 13 at half-past 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Francis Morgan*, Long-acre, linen draper, July 13 at 1, Court of Bankruptcy, London.—*G. Carpenter*, Chelmsford, Essex, chemist, July 13 at half-past 12, Court of Bankruptcy, London.—*Jos. Hands and Eliz. Gill*, Coventry, ribbon manufacturers, July 13 at 12, Court of Bankruptcy, London.—*Rob. Noyes*, New Church-street, Lisson-grove, plumber, July 11 at half-past 2, Court of Bankruptcy, London.—*Chas. Masterman*, Croydon, Surrey, grocer, July 15 at 1, Court of Bankruptcy, London.—*Eliz. Havard*, Swansea, Glamorganshire, grocer, July 19 at 11, District Court of Bankruptcy, Bristol.—*Geo. Forster*, Sunderland, Durham, iron manufacturer, July 12 at 3, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Young*, Newcastle-upon-Tyne, coal fire, July 13 at 3, District Court of Bankruptcy, Newcastle-upon-Tyne.—*W. Williams*, Manchester, drysalter, July 17 at 12, District Court of Bankruptcy, Manchester.—*A. Nield*, Shaw-edge, Crompton, Oldham, Lancashire, cotton spinner, July 12 at 1, District Court of Bankruptcy, Manchester.—*Th. Cartwright*, Heaton Norris, Lancashire, banker, July 18 at 12, District Court of Bankruptcy, Manchester.—*John Fielding and Th. Fielding*, Blackburn, Lancashire, joiners, July 12 at 12, District Court of Bankruptcy, Manchester.—*Samuel Tuck*, Exeter, carrier, July 12 at 12, District Court of Bankruptcy, Exeter.—*Hen. Pearson*, York, common brewer, July 14 at 1, District Court of Bankruptcy, Leeds.—*Eliz. Fisher*, Wigan, Lancashire, July 12 at 11, District Court of Bankruptcy, Liverpool.—*John Fisher*, Maghull, Lancashire, wine merchant, July 12 at half-past 11, District Court of Bankruptcy, Liverpool.—*John Burgess*, Manchester, licensed victualler, July 12 at 12, District Court of Bankruptcy, Manchester.—*Hen. Pankhurst*, Stoke-upon-Trent, Staffordshire, grocer, July 11 at 11, District Court of Bankruptcy, Birmingham.—*Haas Simmonds*, Leamington Priors, Warwickshire, milliner, July 17 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 11.

*Thos. Evans*, Denbigh, scrivener.—*Jas. Ingham*, Halifax, Yorkshire, stone mason.—*Eliz. Saunders*, Chesham, Buckinghamshire, grocer.—*John Wm. Vogel*, Cloak-lane, London, publisher.—*Wm. Richard Kemp*, Alfred's-terrace, Holloway, grocer.—*Jas. Twisse*, Manchester, power-loom cloth manufacturer.—*Jas. Galpin, sen.*, Marnhill, Dorsetshire, brewer.—*Jas. Ashton*, Todmorden and Manchester, cotton spinner.—*John Lockwood*, Lepton, Kirkheaton, Yorkshire, manufacturer of fancy waistcoating.—*John Lucy, jun.*, Liverpool, tailor.—*John C. Maie*, Lime-st., London, merchant.

## SCOTCH SEQUESTRATIONS.

*W. M. Luckie*, Large, Ayrshire, plasterer.—*Der. Peers*, Dundee, wood merchant.—*John Provan*, Brownknows, Cadder, Lanarkshire, farmer.—*W. and T. McInnes*, Glasgow, builder.

## DECLARATIONS OF INSOLVENCY.

*Joseph Phillips*, Uttoxeter, Staffordshire, plumber.  
*George Herdy*, Wellington-square, Gray's-inn-road, beer-shop keeper.  
*Isaac Webb*, Walsall, Staffordshire, stone mason.  
*Thomas Roger Hawker*, St. Dunstan, London, tailor.  
*Charles Fox*, Chorlton-upon-Medlock, Lancashire, painter.  
*William Walker*, Batley, Yorkshire, blanket manufacturer.  
*Charles Ryder*, Birmingham, grocer.  
*Christopher Bell*, Christchurch, Surrey, attorney's clerk.  
*Robert Russey*, Salehouse, Norfolk, blacksmith.  
*Wm. Slater*, Princes-end, Tipton, Staffordshire, lime dealer.  
*Moses Cloke*, St. Giles, Camberwell, laceman.  
*James Stock*, Stockport, Cheshire, licensed victualler.  
*Abraham Evans*, Dudley, Worcestershire, out of business.  
*Jonathan Atkinson*, Manchester, collector of debts.  
*Thomas Robinson*, Sheffield, coach-spring maker.  
*Charles Hewit Welch*, Ashborne, Derbyshire, attorney at law.  
*Ann Barrett*, Great Quebec-street, Montague-sq., St. Mary-le-bone, lodging-house keeper.  
*George Frederick Heslop*, Lambeth-square, Lambeth, Surrey, attorney's clerk.  
*John Ellis*, Harborne, Staffordshire, writing clerk.  
*Thomas Holcroft*, North-st., St. John the Evangelist, Westminster, author.  
*John Leeson*, Cadogan-street, St. Luke, Chelsea, builder's clerk.  
*William Bainbrigge*, Ratcliff-highway, St. George's in the East, baker.  
*Edward Cumberland Waller*, St. Margaret, Leicester, coach builder.

## INSOLVENT DEBTORS.

Saturday, June 17.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*David Fogarty*, Salisbury-square, Fleet-street, general merchant, No. 51,767 T.; *S. Sturgis*, gentleman, new assignee, in place of *W. T. Jones*, late assignee.—*Joseph Nettleton*, Ossett, Yorkshire, out of business, No. 21,847 C.; *Jeremiah Marriott*, assignee.—*John Atwell*, Bowling-green-lane, Weymouth-st., Portland-place, cowkeeper, No. 55,086 T.; *John Low*, assignee.—*John Pierce*, Garter-court, Barbican, out of business, No. 33,184 T.; *F. T. Clark*, assignee.—*Robert Ingram*, Goswell-street, straw bonnet manufacturer, No. 54,710 T.; *Fras. Field*, assignee.—*Thomas Gibbings*, Pollard's-row, Bethnal-green, baker, No. 54,852 T.; *Alfred Westley* and *O. Nutter*, assignees.—*Geo. Rugg*, Odcombe, near Yeovil, Somersetshire, out of business, No. 54,996 T.; *R. T. Chaffey*, assignee.—*Wm. Richards*, Hague-street, Thomas-street, Bethnal-green-road, out of business, No. 54,937 T.; *James Colverd*, assignee.—*J. Banbery*, Gloucester-place, George-street, Camberwell, carpenter, No. 54,980 T.; *Matthew Bull*, assignee.—*Thomas Pickburn*, Preston, Lancashire, out of business, No. 62,128 C.; *Wm. M. Lomas* and *Jas. Threlfall*, assignees.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Thursday, July 13 at 9.*

*Benjamin Shepherd*, Storer-street, Jubilee-place, Commercial-road East, lieutenant in the royal navy, on half pay.—*J. Newbery*, Budge-row, Watling-street, clerk to an attorney.—*W. Taylor*, Liverpool-road, Islington, out of business.—*Jas. Richardson*, Charles-street, Covent-garden, lieutenant in the Hon. East India Company's service.—*J. Ridout*, sen., New-end-sq., Hampstead, victualler.—*George Masley*, jun., High-street, Kensington, baker.—*John Hume Long*, Mount-garden, Westminster-road, Lambeth, out of business.—*J. W. Moore*, Lower-road, Islington, builder.—*Abraham Wilkinson*, Edward-st., Kingsland-road, bricklayer.—*Wm. Wright*, Charterhouse-lane, Charterhouse-square, whitesmith.—*Thos. W. Ellis*, Woodland-street, Dalston, out of business.—*William Briggs*, High Holborn, linen draper.—*James Black*, Great Russell-street, Bloomsbury, out of business.—*C. Mackenzie*, Dorset-street, Portman-square, out of business.—*E. Roper*, Sharp's-alley, Cow-cross-street, bone collector.—*Jas. Meade*, Paragon-row, Lock's-fields, Surrey, gilder.—*Robt. Edwards*, Kenington-street, Walworth, Surrey, builder.—*Sarah Beck*, Crown-street, Finsbury, out of business.—*Lewis Henry Beck*, Crown-street, Finsbury, commercial traveller.—*Thos. Bonnor*, Rowcliffe buildings, York-street, Westminster, assistant to a carman.

Court-house, CARLISLE, Cumberland, July 11 at 10.

*Wm. Gibson*, Carlisle, innkeeper.—*Thomas Glover*, Workington, innkeeper.—*Henry Richardson*, Carlisle, weaver.—*Robert McKensson*, Kenwick, shoemaker.—*William Davison*, Carlisle, baker.—*Thomas Harrison*, Great Corby, shoemaker.—*Joseph Ashbridge*, Witheral, farmer.—*Fred. Boulter*, Carlisle, innkeeper.

Court-house, GREAT YARMOUTH, Norfolk, July 12 at 10.

*Thomas Croxon*, Great Yarmouth, shoemaker.—*Henry B. Burwood*, Great Yarmouth, fish merchant.—*W. Hempelman*, Great Yarmouth, blacksmith.

Court-house, HAVERFORDWEST, Pembrokeshire, July 12 at 10.

*George Collins*, Prendergast, butcher.—*John R. Morgans*, Castlemain, Lampeter, farmer.—*David Phillips*, Tregallet, St. Isels, servant in husbandry.—*J. Phillips*, Monkton, farmer.—*Lacy Bowen*, Hendon-house, spinster.—*John Rees*, Priory-mills, St. Thomas, Haverfordwest, miller.—*John Morgan*, Laveston, labourer.

Court-house, NORWICH, Norfolk, July 13 at 10.

*Wm. S. Catchpole*, Great Yarmouth, attorney at law.—*P. B. Etheredge*, Thorpe next Norwich, out of business.—*Wm. Newham*, jun., King's Lynn, carpenter.—*James Orton*, Norwich, batter.—*James Watling*, King's Lynn, plumber.—*J. Johnson*, Potter Heigham, labourer.—*I. W. Hubbard*, Wyomondham, cattle dealer.—*W. L. Thurston*, Hingham, farmer.—*Robt. P. Waller*, Hingham, out of business.—*George E. Button*, Topcroft, out of business.—*George B. Cox*, West Walton, out of business.—*Robert Minister*, Lingwood, near Norwich, carpenter.—*Joseph Spooner*, Stiffkey, carpenter.—*George Nockolds*, Norwich, hatter.

Court-house, NORWICH, (City), July 13 at 10.

*John Coleman*, Norwich, smith.—*Jacob Filby*, Norwich, out of business.—*George B. Bayfield*, Salthouse, out of business.—*John Ewels*, Norwich, publican.—*Eliz. Stimpson*, Norwich, out of business.—*A. R. Hill*, Norwich, currier.—*Edw. Porter*, Norwich, publican.—*Reuben W. King*, Norwich, artist.—*Geo. Mason*, Norwich, cabinet maker.—*Thos. Dean*, Norwich, butcher.—*Robt. Rose*, Norwich, merchant's clerk.

## INSOLVENT DEBTORS' DIVIDENDS.

*William Dening*, Ottery St. Mary, Devonshire, farmer, at Furlong's, Exeter: 10s. in the pound.—*David Daniel*, Bangor, publican, at Jones's, Wrexham: 4s. 1d. in the pound.

## MEETING.

*Benjamin Nicholas Price*, Esq., Bryngwyn-house, Monmouthshire, July 5 at 1, Washbourn's, Gloucester, sp. aff.

ERRATUM.—In p. 208, col. 2, fiat of William Bloxam, for Sols. Pierce & Co., read Sol. Pierce S. Brisley.

FRIDAY, JUNE 28.

## INSOLVENT.

**WILLIAM TOWNLEY**, Church-row, Aldgate, carriage broker.

## BANKRUPTS.

**JOHN MEE**, Wellingborough, Northamptonshire, baker, July 7 at half-past 1, and Aug. 4 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Hunnybun, Huntingdon; Fox & Brittain, Basinghall-street.—Fiat dated June 10.

**THOMAS HOBBS**, Nettledale, Oxfordshire, potter, tile maker, brick maker, lime burner, and horse dealer, July 5 at 2, and Aug. 4 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Young, 10, Warwick-sq., Newgate-street.—Fiat dated June 21.

**ALFRED ELAM**, Oxford-street, and **HENRY ELAM**, Beast-market, Huddersfield, Yorkshire, surgical-instrument makers, gunsmiths, and cutlers, June 30 at half-past 11, and July 31 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Sudlow & Co., Chancery-lane.—Fiat dated June 6.

**GEORGE JACKSON**, Hertford, upholsterer and auctioneer, July 6 at 1, and July 28 at half-past 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Barber, 11, Furnival's-inn, Holborn.—Fiat dated June 19.

**JOHN BAYLIS, jun., and JAMES BAYLIS**, Gutter-lane, Cheapside, crape manufacturers, July 4 at 1, and Aug. 4 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Walters, Basinghall-street.—Fiat dated June 19.

**HANNIBAL LEIGH BECKER and JOHN LEIGH BECKER**, Manchester, and Reddish-mills, Lancashire, calico printers, July 4 and Aug. 2 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Sale & Worthington, Manchester; Baxters, Lincoln's-inn-fields.—Fiat dated June 20.

**ISAIAH WARD**, Market-place, Devizes, Wiltshire, house decorator, toy and fancy dealer, July 7 and 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Baily & Bayly, Devizes.—Fiat dated June 5.

**JOHN GARSED**, Elland, Halifax, Yorkshire, cloth dresser and finisher, July 4 and 29 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Stocks & Co., Halifax.—Fiat dated June 16.

**JOHN BROWN**, Liverpool, broker, July 4 at 12, and Aug. 4 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Moss, Liverpool; Roscoe, South-sq., Gray's-inn.—Fiat dated June 17.

#### MEETINGS.

*Henry Shuttleworth*, Market Harborough, Leicestershire, and Light Poole-mills, Gloucestershire, pin manufacturer, July 4 at 11, Court of Bankruptcy, London, pr. d.—*Robert D. Sothorn*, St. Helen's, Lancashire, ship builder, July 5 at 1, District Court of Bankruptcy, Liverpool, pr. d.—*J. Bowie*, Shoe-lane, grocer, June 30 at 11, Court of Bankruptcy, London, last ex.—*Wm. Bates*, Welbeck-street, Cavendish-square, auctioneer, July 6 at 11, Court of Bankruptcy, London, last ex.—*Jas. Farren*, Nine-elms, Surrey, corn dealer, July 6 at half-past 12, Court of Bankruptcy, London, last ex.—*John Hutton*, Ringwood, Southampton, draper, July 6 at 12, Court of Bankruptcy, London, last ex.—*Wm. I. Law*, Manchester, chemist, July 13 at 1, District Court of Bankruptcy, Manchester, last ex.—*John H. Fuller*, Flixton, Lancashire, log-wood grinder, and Manchester, fustian manufacturer, July 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Jas. Stutlard*, *John Stutlard*, *Hen. Stutlard*, and *Thomas Stutlard*, Manchester, and Clitheroe, Lancashire, cotton manufacturers, July 15 at 12, District Court of Bankruptcy, Manchester, last ex. of *Jas. Stutlard* and *T. Stutlard*.—*John Ewan Warden* and *Vincent Wanoostrocht*, Liverpool, merchants, July 7 at half-past 12, District Court of Bankruptcy, Liverpool, last ex. of *V. Wanoostrocht*.—*Chas. S. Masterman*, Croydon, Surrey, grocer, July 15 at 1, Court of Bankruptcy, London, and ac.—*Thos. Durrant* and *Geo. Banks*, Wilmington, Kent, bakers, July 15 at half-past 12, Court of Bankruptcy, London, and ac.—*Chas. Harrison*, Red Lion-street, Holborn, licensed victualler, July 15 at half-past 11, Court of Bankruptcy, London, and ac.—*George Walker*, Newcastle-upon-Tyne, ship-broker, July 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; July 18 at 11, div.—*John Heslop*, Morpeth, Northumberland, grocer, July 17 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Henderson*, Greenside, Ryton, Durham, wood merchant, July 17 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Thomas Simpson*, Gateshead, Durham, painter, July 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John H. Jones*, Manchester, spirit merchant, July 15 at 12, District Court of Bankruptcy, Manchester, and ac.—*Wm. Kynnersley* and *Henry Kynnersley*, Tatenhill, Staffordshire, millers, July 19 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; July 20 at half-past 11, div.—*John Lattimer*, Hanslope, Buckinghamshire, corn factor, July 18 at 11, Court of Bankruptcy, London, div.—*Wm. Thompson*, Princes-street, Spitalfields, hat manufacturer, July 18 at 12, Court of Bankruptcy, London, div.—*Thos. Burbey*, *Richd. Lee*, and *Jas. Lee*, Portsmouth, bankers, July 18 at half-past 12, Court of Bankruptcy, London, div.—*Richard Smith* and *Stephen Marshall*, Austin-friars, Russia brokers, July 18 at half-past 11, Court of Bankruptcy, London, fin. div.—*Rich. Dunn* and *Rich. D. Dunn*, Wakefield, Yorkshire, corn factors, July 15 at 11, District Court of Bankruptcy, Leeds, div.—*Jas. Hawarden*, *R. Myerscough*, and *John Jackson*, Little Bolton, Lancashire, and Manchester, manufacturers of cotton cloth by power, July 14 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Wm. Aslett*, Bitterne, South Stoneham, Southampton, grocer, July 17 at 1, Court of Bankruptcy, London.—*Arthur Jarrett*, Castle-street, Southwark, Surrey, hat manufacturer, July 18 at 12, Court of Bankruptcy, London.—*Wm. Kelly*, Liverpool, bookseller, July 24 at 11, District Court of Bankruptcy, Liverpool.—*Wm. Carr Thornton*, Cleckheaton, Birtal, Yorkshire, machine maker, July 27 at 11, District Court of Bankruptcy, Leeds.—*Martin Charles Grafton*, Alcester, Warwickshire, tanner, July 19 at half-past 11, District Court of Bankruptcy, Birmingham.—*J. Yerrad*, Spalding, Lincolnshire, grocer, July 22 at half-past 11, District Court of Bankruptcy, Birmingham.—*Jos. Rose*, Spalding, Lincolnshire, ironmonger, July 22 at 11, District Court of Bankruptcy, Birmingham.—*John Towers*, Wolverhampton, Staffordshire, hatter, July 25 at 11, District Court of Bankruptcy, Birmingham.—*J. Lewis*, Dawley, Shropshire, grocer, July 19 at 1, District Court of Bankruptcy, Birmingham.—*N. Dickenson*, Ancoats, Manchester, dyer, July 18 at 12, District Court of Bankruptcy, Manchester.—*John Buckley*, Higher Crompton, near Oldham, Lancashire, coal master, July 18 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 14.*

*Henry Bentlif*, Maidstone, Kent, linen draper.—*William Dakin*, Manchester, glass manufacturer.—*George Armstrong*, Castle Eden, Durham, grocer.—*William Jones*, Wolverhampton, Staffordshire, mercer.—*Robert Biggs*, Bath, chemist.—*William Morgan*, Cheltenham, Gloucestershire, builder.—*E. De Carle*, Norwich, stone mason.—*John Tomlinson, jun.*, York, mustard manufacturer.—*Wm. Cogan*, Plymouth, Devonshire, builder.—*Rob. Youngusband*, Haunton, Gloucestershire, brick maker.—*John Feltham*, Sydling St. Nicholas, Dorsetshire, miller.—*John Buxton*, Manchester, builder.

#### SCOTCH SEQUESTRATIONS.

*William Marshall & Co.*, Glasgow, manufacturers.—*David Macphie*, Glasgow, grocer.—*David Scott*, Quarrieside, near Thurso, Caithness, writer to the Signet.—*Kayser & Co.*, Greenock, merchants.

#### DECLARATIONS OF INSOLVENCY.

*John Eccles*, Dudley, Worcestershire, horsed dealer.  
*Edward Pearce*, Sheffield, grocer.  
*John Chappell*, Sheffield, potato dealer.  
*J. Harris*, Newark-upon Trent, Nottinghamshire, corn factor.  
*Frances Herring*, Terrington St. Clement, Norfolk, market gardener.  
*Elizabeth Lowe*, Gnosall, Staffordshire, midwife.  
*James Charlton*, Cecil-court, St. Martin's-lane, grinder.  
*Thomas Johnson*, Chichester-place, Gray's-inn-road, St. Pancras, general smith.  
*Jacob Dixon*, St. James's-place, Hampstead-road, chemist.  
*Samuel Cawley*, Warrington, Lancashire, hamper maker.  
*James Tyson*, Sheffield, innkeeper.  
*John Walkden*, Blackburn, Lancashire, iron moulder.  
*John Scott*, Wardle, Rochdale, Lancashire, yeoman.  
*Henry Bake*, Ashton-under-Lyne, Lancashire, architect.  
*Jarvis Franks*, Portmahon, Sheffield, out of business.  
*John Buist*, Hercules-buildings, Westminster-road, painter.  
*Thos. Walker*, East Retford, Nottinghamshire, watch maker.  
*Edw. Evans*, Goldsmith's-place, Hackney-road, oilman.  
*Stephen Dobson*, Nutford-place, Edgeware-rd., schoolmaster.  
*Richard Hawkin, jun.*, St. Lawrence, Yorkshire, proprietor of the York, Ripon, and Leyburn coach.  
*John Leeson*, Cadogan-street, St. Luke's, Chelsea, builder's clerk.  
*Robert Alexander*, Huddersfield, Yorkshire, dyer.  
*Wm. Cookward*, Cook's-row, St. Pancras, attorney at law.  
*Charles Bailey*, Rochester-row, St. John's, Westminster, coal dealer.  
*Lawrence Phillip Owen*, Swinton-st., Gray's-inn-road, artists' colourmen.  
*James Williams*, Llanelly, Carmarthenshire, schoolmaster.  
*John Watson Walmesley*, Chancery-lane, attorney.  
*W. Faulconbridge*, Warner-street, Kent-road, pipe maker.



## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, July 15 at 9.

*Wm. J. Humphrys*, Harrow-road, Paddington, omnibus driver.—*Robert Davey*, Brownlow-mews, Gray's-inn-road, smith.—*Joseph Fergus*, Dartmouth-street, Westminster, licensed victualler.—*Robt. Smith*, King William-street, Strand, haberdasher.—*R. Turry*, Fletcher's-row, Clerkenwell, tailor.—*Charles Maidwell*, Mount-terrace, New-road, Whitechapel-road, corn chandler.—*James King*, Allsop's-buildings, Beck-road, St. George's East, engineer.—*Joseph Hunt*, John-st., Suffolk-street, Southwark, chair maker.—*Wm. Pitt*, Praed-street, Paddington, trunk maker.—*John Search*, Craven-buildings, Drury-lane, grocer.—*John Sarg Gill*, Freeschool-street, Horselydown, Southwark, watchmaker.—*B. Silvester*, Pearl-street, Old Gravel-lane, Ratcliffe-highway, Thames police officer.—*Alex. Mosely*, Waterloo-terrace, Commercial-road East, baker.—*Wm. Edwards*, Edmund-street, King's-croft, out of business.—*Henry Pope*, New Bridge-st., Blackfriars, messenger in an attorney's office.—*John O'Neill*, Tooly-street, Southwark, and Crooked-lane-chambers, King William-street, London, out of business.—*P. J. M. J. B. Pavia*, High Holborn, tobacconist.—*William Tuckwell*, Frog-lane, Angler's-gardens, Lower-road, Islington, shoemaker.—*Thos. Cass*, Horseferry-road, Millbank, Westminster, picture dealer.—*John Richard Packard*, Titchfield-street, Oxford-street, medical student.

July 17, at the same hour and place.

*J. Press*, Drummond-crescent, Euston-square, milkman.—*John Burton*, sen., Winchmore-hill, Edmonton, veterinary surgeon.—*G. S. Williams*, Church-street, Soho, clerk to a coal merchant.—*John Mosson*, Ebury-street, Fimlico, private tutor.—*Richard Cooke*, Crown-place, Old Kent-road, Surrey, chemist.—*S. Champein*, Poland-street, Oxford-street, author.—*Garry Dence*, East-street, Brunswick-square, dramatic writer.—*Edward Cox*, Picton-street, George-street, Camberwell, Surrey, milkman.—*Wm. Stephens*, Foley-street, Middlesex-hospital, shoemaker.—*James Eli Tranchard*, Upper Norton-street, Portland-place, Marylebone, painter.—*John Richards*, Edward-street, Hampstead-road, assistant clerk in the Insolvent Debtors Court.—*Peter Mitchell*, Cobham, Surrey, lawyer.—*Daniel Barneveld*, St. John's-street, Clerkenwell, compositor.—*Thomas Thew*, Crisp-street, East India-road, Poplar, dealer in hardware.—*George Powers*, King-st., Tower-hill, smith.—*G. H. Garnett*, South-bank, Regent's-park, assistant to a chemist.—*Joseph Arnell*, Derby-row, England-road, out of business.—*Robert Drain*, Barnett-gate, Bird-enge-walk, Bethnal-green, carman.—*Geo. Barrett*, sen., Charles-street, Hutton-garden, hardwareman.—*Isaac Hodgkinson*, King-street, Lower-road, Islington, stonemason.

Court-house, SWANSEA, Glamorganshire, July 14 at 10.

*Wm. Burgess*, Swansea, builder.—*John Powell*, Swansea, labourer.—*Eliza J. Lloyd*, Swansea, dealer in fancy foreign wools.—*Wm. Morgan*, Swansea, haulier.—*Robert Davis*, Swansea, victualler.—*Lewis Rees*, Swansea, tailor.

Court-house, CARDIFF, Glamorganshire, July 17 at 10.

*Nath. Plimer*, Ewenny, painter.—*Daniel Williams*, New-bridge, near Cardiff, boatman.—*E. Llewellyn*, Newbridge, near Cardiff, grocer.—*Richard Thomas*, Wynn, maltster.—*T. C. Phillips*, Swansea, cabinet maker.—*Lewis Lewis*, Llyn-y-lla, near Merthyr Tydvil, beer-house keeper.—*John Dix*, jun., Cardiff, editor of a newspaper.—*Lewis Griffiths*, Cwm Neath, Lanwrit, collier.—*John Rees*, Newbridge, Eglwysilan, labourer.—*Thomas Vaughan*, Aberdare, labourer.

Court-house, LANCASTER CASTLE, (County), July 17 at 10.

*Joseph Heywood*, Hulme, Manchester, provision dealer.—*Wm. Jones*, Bunsough, near Ormskirk, out of business.—*W. J. Wilson*, Walton-le-Dale, near Preston, veterinary surgeon.—*Maria Armstrong*, Toxteth-park, widow.—*James Charlesworth*, Bolton-le-Moors, Marcellis quilt manufacturer.—*Isaac Houghton*, Crampton, near Prescot, shoemaker.—*R. Sumner*, Tarleton, near Preston, cordwainer.—*Thos. Brown*, Lancaster, labourer.—*N. Brown*, jun., Liverpool, commercial traveller.—*Rich. Hacking*, Lower Darwen, stonemason.—*T. Pinfret*, Preston, cart driver.—*John Creary*, Lancaster, coach driver.—*Thos. Norris*, Heskin, near Wigan, victualler.—*Henry Newton*, Samlesbury, carder of cotton.—*Rich. Fairbairn*, Scholes, Wigan, labourer.—*William Croft*, Liverpool, victualler.

## INSOLVENT DEBTORS' DIVIDENDS.

*John North*, Huddersfield, innkeeper, Pearos's, Huddersfield: 1s. 1d. in the pound.—*Joseph Tansley*, York-st, Westminster, ironmonger, Braham's, Chancery-lane: 1s. 7d. in the pound.—*Stephen Gates*, Providence-buildings, New Kent-rd., upholsterer, July 3, Thickbroom's, Millbank-street, Westminster: 9d. in the pound.—*Alexander Johnson*, boatswain in the navy, at Jessop's, High-street, Deptford: 4s. in the pound (making with former divs. 20s. in the pound).

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**THE ELEVENTH ANNIVERSARY DINNER** will take place at the CROWN AND ANCHOR TAVERN, STRAND, on FRIDAY, the 30th day of June, 1843.

The Right Hon. SIR JAMES PARKE, BARON OF THE EXCHEQUER, IN THE CHAIR.

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H. M. Solicitor-General.

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HARRY G. ROGERS, Secretary.

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Ticket, One Guinea.

\* \* Dinner on table at half-past five o'clock precisely.

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# The Jurist

No. 338.

LONDON, JULY 1, 1843.

PRICE 1s.

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LONDON, JULY 1, 1843.

Until lately it has, we believe, generally been thought, that the profits of a canonry or prebendal stall could not be assigned; partly on the ground of the effect attributed to the statutes against charging ecclesiastical benefices, and partly on the ground of public policy.

The stat. 13 Eliz. c. 20, s. 1, made void all charging of benefices or ecclesiastical promotions *with cure*, and not being inappropriate, with any pension or with any profit out of the same to be yielded or taken. Then came the 14 Eliz. assimilating the effect of bonds, contracts, promises, and covenants for suffering or permitting any person to enjoy any benefice with cure, to that of leases by the same persons of such benefices. These acts were repealed by the 43 Geo. 3, c. 84, s. 10, which was in its turn repealed by the 57 Geo. 3, c. 99; the last-mentioned act repealing so much only of the acts of Elizabeth as related to spiritual persons holding farms, and to leases of benefices and livings, and to buying and selling, and to residence of spiritual persons on their farms; consequently the remaining parts of the 13 Eliz. were revived so far as it related to the charging of livings. (See per Vice-Chancellor in *Metcalf v. Archbishop of York*, 6 Sim. 230).

It has been we believe, as we have already mentioned, until a recent decision, a prevailing opinion in the profession, that generally the profits of a canonry or prebendal stall could not be assigned, but we are not aware that until the case to which we shall presently refer, there has been any judicial decision on the point. How an impression came to prevail that the statute had any such effect is singular, as the statute studiously speaks throughout of benefices or promotions, "with cure;" and therefore seems necessarily to exclude from its operation benefices to which no cure of souls is attached. The title of the act is, "An Act

touching Leases, Benefices, and other Ecclesiastical Livings, with Cure." The recital of the preamble is, "That the *livings* appointed for ecclesiastical ministers may not by corrupt and indirect dealings be transferred to other uses," an expression manifestly inapplicable to any other benefices than those with cure; and then comes the enacting part, which speaks first, as to leases, of benefices or ecclesiastical promotions "with cure," and then, in the part relating to the charging of benefices, refers to "such benefices *with cure*." And the cases which have occurred at law on the validity of charges on benefices have all occurred in reference to benefices with cure of souls. (See *Mouys v. Leake*, 8 T. R. 411; *Shaw v. Prichard*, 10 B. & C. 241, and many others).

Assuming therefore that the 13 Eliz. relates only to benefices with cure, there is no ground for holding charges of prebends or canonries as void by the effect of that statute, since it is clear that generally canons and prebendaries have not cure of souls. "It doth not appear that canons or prebendaries have cure of souls in any respect; they are indeed for the most part instituted, but not for the cure of souls; so that a prebend and a parochial benefice are not incompatible, but both may be holden together without any dispensation." (2 Burn's Eccl. Law, 90, edit. Phillimore).

But a more material point is, how far the charging of such benefices is void as against the policy of the law. In the very recent case of *Grenfell v. Dean and Canons of Windsor*, (2 Ben. 544), in which the court appears to have thought the question of the application of the statute not even to deserve attention, the question of public policy was much discussed. The case was a grant by one of the canons of the collegiate church or free chapel of St. George at Windsor, to the plaintiff, of his prebend or canonry, and all the income arising therefrom, to secure an advance of money. The answer of the defendant shewed that there were certain duties

annexed to his office of canon, the neglect of which would occasion to him personally forfeiture of his rights to share in the property of the corporation of which he was, as such canon, a member. But it did not appear that there were any spiritual duties attached to the office, (except in so far as a certain prescribed attendance in the chapel of St. George was such duty), nor any cure of souls. And the answer did not shew, nor did it otherwise appear on the pleadings before the court, that the duties mentioned were for the benefit of the public, or for the maintenance of the dignity of the Crown, or other than purely personal to the plaintiff in their consequences. On these grounds, the Master of the Rolls held, that the charge was valid. But his Lordship said, "If it had been made out that the duty to be performed by him was a public duty, or in any way connected with the public service, I should have thought it right to attend very seriously to that argument." And again, "If, in this case, the residence in Windsor Castle, and the attendance on Divine service, had been stated in the answer, or in any way shewn to be for the benefit of the public, or for the maintenance of the dignity of the Sovereign for the benefit of the public, I should have thought the case worthy of a very different consideration. But from all which is stated in this answer, that is not the case: it is a service to be performed for the benefit of the party himself; and, therefore, upon the case as it now stands upon this answer, and without saying there may not be other facts which may be material to be ultimately considered, it appears to me that the security of the plaintiffs is valid."

This determination of Lord Langdale carefully proceeds on the special circumstance that the duties annexed to the office, the charge on which he had to consider, did not appear to be in the nature of duties for the public service. It is not therefore to be considered as an authority generally that charges on prebends or canonries can be supported, but leaves it to be considered in each case whether the duties prescribed by the statutes or customs of the particular cathedral or collegiate church, are of such a nature as to be deemed for the service or benefit of the public or not. Where, for instance, as we believe is the case according to the statutes of most cathedrals and collegiate churches, the prebendaries or canons are bound to perform Divine service and to preach at prescribed intervals, we apprehend it would be difficult to contend that these duties are not in point of law such as to bring their offices within those rules of public policy which govern the case of half-pay, and pensions or remunerations given for public services in such cases as *Davis v. Duke of Marlborough*, (1 Swans. 79\*).

#### COURT OF EXCHEQUER.

TRINITY TERM.—7 VICT.—June 23, 1843.

This Court will, on Monday the 10th day of July next, hold a Sitting, and will proceed in giving Judgment in the several Cases undisposed of in the New Trial and Special Papers.

By the Court.

Read in open Court, *Samuel Dare*, Master.

\* The foregoing observations apply of course only to charges on prebends or canonries not falling under the 3 & 4 Vict. c. 113. It will not necessarily follow that the same law and reasoning will be applicable to the new constitution of canonries under that act.

#### Statute.

6 & 7 VICT. CAP. XXIII.

*An Act to amend and explain an Act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.* [27th June, 1843].

- Sect. 1. *Enfranchisement may be made in Consideration of an annual Rent, and Commutation may be made in Consideration of the Conveyance of Lands, subject to the same Uses as those commuted, or any Right to Mines or Minerals.*
2. *Power to the Person obtaining the Enfranchisement of Lands to grant an annual Rent in Consideration of such Enfranchisement.*
  3. *Power to the Person obtaining the Commutation or Enfranchisement of Lands to convey Lands in Consideration of such Commutation or Enfranchisement.*
  4. *Power to the Person having a particular Estate in an annual Rent to apportion the same.*
  5. *Power to the Person having a particular Estate in Lands charged with an annual Rent, to concur in the Apportionment thereof.*
  6. *No Apportionment to be made without the Consent of the Person entitled to the Lands.*
  7. *Annual Rents charged on Lands under this Act to be first Charges on such Lands.*
  8. *Sub-lessees not to be liable to the Payment of a greater Sum than they were before liable to.*
  9. *If at the Time of the Conveyance of any Lands in Consideration of an Enfranchisement, there shall be a Lease subsisting, the Person to whom such Lands shall be conveyed shall have the Reversion on such Lease, and may distrain for the Rents, and enforce the Covenants, &c.*
  10. *If at the Time of the Commutation or Enfranchisement of any Lands there shall be any Lease subsisting therein, the Person seised of or entitled to such Lands shall have the Reversion on that Lease, and may distrain for the Rents, and enforce the Covenants, &c.*
  11. *A Schedule of Apportionment may be used where the Tenants agree to enfranchise.*
  12. *Part of the Money received for Enfranchisement may be applied in paying off any Fee-Farm Rent or other Charge. Application of the Remainder. Commissioners may direct that any other Security may be substituted for the Payment of Money into the Bank.*
  13. *Altering Provision in recited Act, as to Notice of Person entitled to next Estate of Inheritance.*
  14. *Payment of Enfranchisement Money when the Lord of the Manor has only a limited Interest.*
  15. *To what the Acts shall be construed to extend.*
  16. *This Act Part of recited Act.*

Sect. 1. Whereas an act was passed in the 4 & 5 Vict. [c. 35], intituled "An act for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure;" and it is expedient to amend and explain the said act in certain respects; Be it enacted &c., That, in addition and subject to the provisions contained in the said act, any enfranchisement made under the same may be made, either wholly or in part, for the consideration of a grant of an annual rent in fee to be thenceforth charged on and issuing out of the lands enfranchised, such annual rent to be valued in like manner and be subject to the like variation as the commutation rent-charge under the provisions of the said act; and that, in addition and subject to the provisions contained in the said act, any commutation or enfranchisement made under the same may be made, either wholly or in part, for the consideration of a conveyance of lands parcel of the same manor as the lands commuted or enfranchised, and subject to the same uses and trusts as the lands commuted or enfranchised shall be subject to at the time of such commu-

tion or enfranchisement, or any right to mines or minerals in or under such lands, or any right to waste in lands belonging to such manor.

2. That if the consideration for the enfranchisement under the said act shall be either wholly or in part the grant of an annual rent, then it shall be lawful for the person empowered by the said act to obtain the enfranchisement of such lands to grant such annual rent to the person enfranchising such lands, and his heirs, to the uses and upon and for the trusts, intents, and purposes to, upon, and for which the manor of which such lands are parcel shall be subject and held at the time of such enfranchisement, and to charge such annual rent on all or such of the lands enfranchised as shall be fixed on, and to make the same payable by equal half-yearly payments; and the annual rent so granted shall be a rent service, and thenceforth parcel of and appendant and appurtenant to the same manor as the lands enfranchised; and such annual rent may be granted either by deed or by a schedule of appointment, to be made and signed pursuant to the directions of the said act and of this act.

3. That if the consideration for the commutation or enfranchisement under the said act shall be either wholly or in part the conveyance of lands, or a right to mines or minerals, or a right to waste in lands belonging to such manor as aforesaid, then it shall be lawful for the person empowered by the said act to obtain such commutation or enfranchisement to convey the lands, or rights to mines or minerals, or rights to waste in lands belonging to such manor fixed on as the consideration, either wholly or in part, for such commutation or enfranchisement, to the person commuting or enfranchising the lands proposed to be commuted or enfranchised, and his heirs, to the uses, and upon and for the trusts, intents and purposes to, upon and for which the manor of which such lands are parcel shall be subject and held at the time of such commutation or enfranchisement.

4. That if, at any time while an annual rent shall remain charged on any lands under this act, the person for the time being seized in possession of such annual rent, or entitled to the receipt thereof, shall be so seized or entitled for a particular estate (whether such estate shall have been subsisting at the time of the enfranchisement of such lands or not), then it shall be lawful for such person, whether he shall be so seized or entitled in actual possession, or in remainder or reversion expectant on the determination of any estate for a term of years, to divide and apportion such annual rent, and to declare what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made; and after such apportionment such annual rent shall be chargeable upon and payable out of such lands only, and in such parts and proportions only as shall be so declared: Provided nevertheless, that it shall not be lawful for any person so seized or entitled as aforesaid, in respect of an undivided share only of such annual rent to divide and apportion such annual rent, unless the person for the time being enabled either by this act or otherwise, to divide and apportion the same as respects the other undivided share thereof, shall join in dividing and apportioning such annual rent.

5. That if at any time while an annual rent shall remain charged on any lands under this act the person seized of such lands in possession, or entitled to the receipt of the rents, issues, and profits thereof, shall be so seized or entitled for a particular estate, (whether such estate shall have been subsisting at the time of the enfranchisement of such lands or not), then it shall be lawful for such person, whether he shall be so seized or entitled in actual possession or in remainder or reversion expectant on the determination of any estate for a term of years, and with the consent of the copyhold commissioners, to concur in any division or apportionment of such annual rent, and to agree what part and proportion thereof shall be thenceforth severally charged upon each of the respective parcels of such lands between which such apportionment is intended to be made: Provided nevertheless, that it shall not be lawful for any person so seized or entitled as aforesaid in respect of an undivided share only of such lands to concur in or agree to any such division or apportionment, unless the person for the time being, enabled either by this act or otherwise to concur in such division or apportionment as respects the other undivided share of such land, shall concur in or agree to such apportionment.

6. That no division or apportionment shall be made under this act, of an annual rent charged on any lands, unless

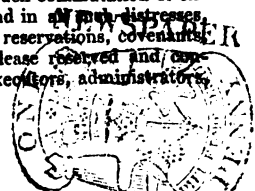
with the concurrence and agreement of the person seized of such lands, or entitled to the receipt of the rents, issues, and profits thereof, for an estate in respect of which he is enabled either by this act or otherwise to concur in or agree to such apportionment, so as to render the same permanent and effectual.

7. That every annual rent which shall be charged on any lands under the authority of this act, shall be a first charge on such lands, and shall have priority over all mortgages, charges and incumbrances whatsoever, affecting such lands, tithe rent-charge excepted, notwithstanding such mortgages, charges, and incumbrances shall have been or shall be respectively made and created before such apportioned annual rent shall be charged on such lands.

8. That a sub-lessee under any sub-lease, his executors, administrators, or assigns, shall not, in consequence of any charge under this act, either with an annual rent, or in consequence of any apportionment under this act either of an apportioned annual rent or of any rent reserved in any lease, be liable to the payment of any greater sum of money than he would have been subject or liable to if such charge or apportionment had not been made.

9. That if at the time of the conveyance under this act, in consideration either wholly or in part of the commutation or enfranchisement of any lands held by copy of court roll, there shall be subsisting in the lands so conveyed any lease, (not being an under-lease), then the lessee under such lease, his executors, administrators, and assigns, shall pay, observe, and keep to and with the person to whom such lands shall be so conveyed, or other the person for the time being seized of or entitled to such lands expectant on the determination of such lease, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease as are or ought to be thenceforth respectively paid, observed, and kept in respect of the lands so conveyed; and the person to whom such lands shall be so conveyed, or other the person so for the time being seized of or entitled as aforesaid, shall and may from time to time make or bring all such distresses, actions, suits, or entries for nonpayment of such rent or reservations, or for nonperformance of the covenants, conditions, and agreements in such lease respectively reserved and contained, as could, in case such conveyance had not been made, have been made or brought by the person making such conveyance, or other the person for the time being seized of or entitled to the reversion expectant on the determination of such lease; and that in all such distresses, actions, suits, and entries, the rent, reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators, or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in the person to whom such lands shall be so conveyed, or other the person for the time being so seized of or entitled to such lands as aforesaid.

10. That if at the time of any commutation or enfranchisement under the said act or under this act of any lands there shall be subsisting in such lands any lease, (not being an under-lease), then the lessee under such lease, his executors, administrators, and assigns shall pay, observe, and keep to and with the person for the time being, seized of or entitled to the lands so commuted or enfranchised, and his executors or administrators, the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease, or such and so many or such part of the rent, reservations, covenants, conditions, and agreements respectively reserved and contained in such lease, as are or ought to be thenceforth respectively paid, observed, and kept in respect of the lands so commuted or enfranchised; and the person for the time being seized of or entitled to the lands so commuted or enfranchised, shall and may from time to time make or bring all such distresses, actions, suits, or entries for nonpayment of such rent or reservations, or for nonperformance of the covenants, conditions, and agreements in such lease respectively reserved and contained, as could have been made or brought by the person who would for the time being have been entitled to the lands so commuted or enfranchised, in case such commutation or enfranchisement had not been made; and in all such distresses, actions, suits, and entries the rents or reservations, covenants, conditions, and agreements in such lease reserved and contained on the part of the lessee, his executors, administrators,



or assigns, shall be deemed and taken to be annexed to an immediate reversion vested in the person for the time being seised of or intitled to the lands so commuted or enfranchised.

11. And whereas it is provided by the said act, that whenever so many as twelve persons being tenants, or all the tenants of any manor, shall agree with the lord for the commutation or enfranchisement of their lands, it shall be lawful to effect such commutation or enfranchisement by a schedule of apportionment; and it is desirable to permit a schedule of apportionment to be adopted when a less number of tenants of any manor than twelve are desirous of effecting a commutation or enfranchisement; Be it enacted, that it shall be lawful to effect a commutation or enfranchisement by a schedule of apportionment in the manner provided by the said act, whenever so many as six persons, being tenants of any manor, shall, at the same time, agree with the lord for the commutation or enfranchisement of their lands.

12. That if any manor, or any part thereof, shall be subject to the payment of any fee-farm rent or other charge not exceeding the amount of the annual quit-rents payable to the lord of such manor, it shall be lawful for the said commissioners to direct that so much of the money to be received for enfranchisement in any such manor under the provisions of the said recited act or this act, as they shall consider adequate, shall be paid into the Bank of England in the name and with the privy of the Accountant-General of the Court of Chancery, to be placed to his account there ex parte the copyhold commissioners, and to be applied under the directions of the said Court of Chancery in paying or redeeming the said charge, and in exonerating therefrom the land which shall be enfranchised, and indemnifying the owners of such lands, and otherwise as the said court shall direct, on petition in a summary way, as provided for in the case of other money to be paid into the Bank of England under the said act; and every such fee-farm rent or other charge shall be paid to the person entitled thereto at the same time, and subject to the same deductions for land tax or otherwise, but to no others, as if no enfranchisement had taken place; and when provision shall have been so made for any such charge, it shall be lawful for the said commissioners to direct that the remainder of the money to be paid for enfranchisement, and the surplus income of the money so paid into the Bank of England, after payment of all expenses attending the payment of such fee-farm rent or other charge to the person entitled thereto, shall be applied in like manner as if no such charge had existed; and thenceforth no land which shall be enfranchised in such manor shall be chargeable with or liable to the payment of any greater part of the said fee-farm rent or other charge than the amount of the quit-rent theretofore payable out of such land, but to that extent the said land shall continue and be chargeable with and liable to the payment of the said fee-farm rent or other charge, and shall be subject to the like remedies for the recovery thereof as if such quit-rent continued payable; and the said commissioners shall state in the deed, schedule, or other instrument of enfranchisement the amount of such quit-rent or liability in every case, and such statement shall be conclusive against the owners of the said land: Provided nevertheless, that it shall be lawful for the said commissioners, whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled thereto, to direct, if they shall see fit, that any other security in land or money which they shall consider sufficient for the purpose, shall be substituted for the payment of money into the Bank of England in manner aforesaid, and in that case, or in any case, and whatever may be the amount of such fee-farm rent or other charge, with the consent of the person entitled as aforesaid, to direct that all or any part of the land to be enfranchised shall be entirely released from the payment of the said fee-farm rent or other charge, and the same land shall thenceforth be released accordingly.

13. And whereas it is provided by the said act, that whenever the estate of any party to an enfranchisement under the said act shall be less than an estate of fee-simple in possession or corresponding copyhold or customary estate, notice in writing shall be given to the person entitled to the next estate of inheritance in remainder or reversion in the manor or land to be affected by such enfranchisement; Be it enacted, That in case any tenant whose estate shall be less than an estate of fee-simple as aforesaid shall be a party to an enfranchisement under the said act or this act, and shall pay the whole of the price of enfranchisement, so that no part thereof or of the expenses thereof shall be charged on the inheritance of the land to be

enfranchised, it shall not be necessary that the person entitled to the next estate of inheritance or remainder or reversion shall have notice of such enfranchisement.

14. That when any lord of a manor shall be only entitled for a limited estate or interest therein, or shall be under any legal disability, any money to be paid under the said act or under this act for enfranchisement from the lord's rights, shall, at the option of the respective parties for the time being entitled to the said manor, the rights of which shall be enfranchised, or of their respective husbands, guardians, or committees, in case of coverture, infancy, idiocy, lunacy, or other incapacity, be paid into the Bank of England in the name and with the privy of the said Accountant-General, and be placed to his account, in order to be applied in manner as in the said act directed, or otherwise the same may be paid at the like option to the trustees acting under the will, conveyance or settlement under which such lord having such limited interest shall hold or be entitled to or interested in the said manor of which the lands so to be enfranchised shall be parcel, or if there are no such trustees, then into the hands of trustees to be nominated under the hands and seal of the said commissioners; and the money, when so paid to such trustees, shall be applied by the said trustees, with the consent of the said commissioners, in the manner directed and specified by the said act of and concerning any money to be paid for enfranchisement under the said act, into the Bank of England, in the name and with the privy of the said Accountant-General; and upon every vacancy in the office of such trustee, some other fit person shall be appointed by the said commissioners in like manner.

15. That the said recited act and this act shall be construed to extend to all lands holden by copy of court roll or by a custom of a manor for life or lives or for years, whether the tenant thereof have or have not a right of renewal; and that the words "land or lands" shall extend to all corporeal and incorporeal hereditaments whatsoever, whether subject to manorial rights or otherwise, or any undivided part or share therein.

16. That this act shall be taken and construed to be a part of the said recited act.

### London Gazettes.

TUESDAY, JUNE 27.

#### INSOLVENT.

WILLIAM MACKENZIE, Denbigh-street, Middlesex, gentleman.

#### BANKRUPTS.

CHARLES YOUNG, Shirley, Southampton, carpenter and builder, July 4 at 1, and Aug. 3 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Caiger, Winchester; Bridger & Blake, Finsbury-circus.—Fiat dated June 24.

WILLIAM WAREING, Moulton, Northamptonshire, baker, July 6 at half-past 10, and Aug. 4 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Pell, Northampton.—Fiat dated June 20.

GEORGE THOMAS WHITINGTON, Great St. Helen's, London, merchant, July 4 at 11, and Aug. 4 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Randall, Castle-court, Birchin-lane.—Fiat dated June 2.

ROBERT BULL, Cambridge, saddler and harness-maker, July 7 at half-past 2, and Aug. 8 at half-past 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Cannon, Cambridge; Ashurst, Cheapside.—Fiat dated June 26.

EDMUND BURKE KILPIN, Ryde, Southampton, watch maker, jeweller, and silversmith, July 5 at half-past 11, and Aug. 8 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Fox & Brittain, Basinghall-street.—Fiat dated June 20.

JOHN HOAR, Oxford, ironmonger, July 8 at half-past 2, and Aug. 5 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Bond, Birmingham; Clarke & Co., 20, Lincoln's-inn-fields.—Fiat dated June 21.

JOHN BELL, Basford, Nottinghamshire, hosier, July 8 and 29 at 11, District Court of Bankruptcy, Leeds; Off. Ass. Hope; Sols. Parson, Nottingham; Fearnhead, Ely-place, London.—Fiat dated June 24.

HENRY FRANCIS, Feock, Cornwall, agent and coal dealer, July 6 at 11, and July 29 at 12, District Court of Bankruptcy, Exeter; Off. Ass. Hirtzell; Sols. Stokes, Truro; Turner, Exeter; Fox, Finsbury-circus, London.—Fiat dated June 19.



**JOHN HARTLEY**, Hight, within the Forest of Pendle, Lancashire, shopkeeper, July 17 and Aug. 19 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Hardacre, Colne; Ed. & Robert Wm. Bennett, Manchester; Wiglesworth & Co., Gray's-inn-square. — Fiat dated June 20.

**THOMAS SHENTON**, Leicester, slater, July 10 at half-past 12, and Aug. 12 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Briggs, Leicester. — Fiat dated June 23.

**THOMAS BULL**, Blythe-marsh, Dilhorn, Staffordshire, farmer and builder, July 7 and August 11 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Cooper, Tanstall; Smith, Birmingham. — Fiat dated June 22.

**RICHARD GREGSON**, Liverpool, tailor and draper, July 13 at 1, and Aug. 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Thompson, Liverpool; Cavele & Co., 19, Southampton-buildings, Chancery-lane. — Fiat dated June 22.

## MEETINGS.

**William Morris**, Long-lane, Bermondsey, Surrey, leather dresser, July 11 at 2, Court of Bankruptcy, London, pr. d. — **Edmund P. Green**, Leadenhall-street, London, merchant, July 11 at half-past 11, Court of Bankruptcy, London, ch. ass. — **Wm. Gofston**, Gilbert-street, Oxford-street, Middlesex, and Farringdon-street, London, pawnbroker, July 4 at half-past 12, Court of Bankruptcy, London, last ex. — **Adam Holloway**, Basingstoke, and Stratfield Turgis, Hampshire, draper, July 7 at 1, Court of Bankruptcy, London, last ex. — **Alex. Winton**, David Winton, and James Webber, Wood-street, Cheshire, warehousemen, July 10 at half-past 11, Court of Bankruptcy, London, last ex. of **Jas. Webber**. — **George Williams**, Aldgate, London, and New Kingston, Surrey, linen-draper, July 18 at 1, Court of Bankruptcy, London, last ex. — **Jas. Stott**, Wuerdle and Wardle, Lancashire, woollen manufacturer, July 19 at 1, District Court of Bankruptcy, Manchester, last ex. — **J. Reynolds**, London-road, Surrey, draper, July 18 at 1, Court of Bankruptcy, London, aud. ac. and div. — **Henry Walton**, jun., Crowland, Lincolnshire, wheelwright, July 20 at half-past 11, Court of Bankruptcy, London, aud. ac. — **Wm. Gorton**, St. Peter's-chambers, Cornhill, merchant, July 20 at 11, Court of Bankruptcy, London, aud. ac. — **Jas. Lock**, Northampton, tea dealer, July 6 at half-past 1, Court of Bankruptcy, London, aud. ac.; July 18 at 2, div. — **Herbert Hardie**, Manchester, merchant, July 18 at 1, District Court of Bankruptcy, Manchester, aud. ac. — **Rowland Cockson**, Pendleton and Manchester, commission-agent, July 20 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 21 at 12, fin. div. — **John Abbott**, Blackburn, cotton manufacturer, July 18 at 1, District Court of Bankruptcy, Manchester, aud. ac.; July 20 at 1, div. — **Joseph Carlisle**, Bury, Lancashire, draper, July 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 27 at 12, fin. div. — **Frank Popplewell**, White Lee, Batley, Yorkshire, blanket manufacturer, July 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.; July 21 at 11, div. — **Rich. C. Gray** and **Hen. T. Gray**, Grosvenor-place and Marine-place, Commercial-road East, and Upper Stamford-street, Blackfriars-road, rope makers, July 18 at half-past 12, Court of Bankruptcy, London, fin. div. joint est. and fin. div. sep. est. **H. T. Gray**. — **John Faiers**, Colchester, Essex, hair dresser, July 18 at half-past 1, Court of Bankruptcy, London, div. — **Lionel E. Parkins**, Bicester Market-end, Oxfordshire, chemist, July 18 at half-past 1, Court of Bankruptcy, London, div. — **John Jas. Ivelin**, St. Bennett-pl., Gracechurch-street, London, merchant, July 18 at 12, Court of Bankruptcy, London, div. — **William Burton**, Cambridge, draper, July 20 at 12, Court of Bankruptcy, London, div. — **Edm. Adams**, Blenheim-street, New Bond-street, livery-stable keeper, July 20 at half-past 12, Court of Bankruptcy, London, div. — **John Robins** and **Chas. Williams**, London-wall, carriers, July 21 at 11, Court of Bankruptcy, London, div. — **Wm. C. Knight**, Great Suffolk-street, Southwark, builder, July 21 at half-past 11, Court of Bankruptcy, London, div. — **Frederick Leck**, Three Crown-court, Jewry-street, Aldgate, merchant, July 21 at 12, Court of Bankruptcy, London, div. — **John Bealop**, Morpeth, Northumberland, grocer, July 21 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, first and fin. div. — **John Henderson**, Greenside, Ryton, Durham, wood merchant, July 18 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div. — **Edm. Hen. Waller** and **William Waller**, Chepstow, Monmouthshire, timber merchants, July

18 at 12, District Court of Bankruptcy, Bristol, div. — **Geo. D. Thomas**, Wem, Shropshire, grocer, July 15 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

**Wm. Penn**, Canterbury, Kent, cabinet maker, July 19 at 11, Court of Bankruptcy, London. — **Jos. Pooley**, Maidstone, Kent, timber merchant, July 19 at 11, Court of Bankruptcy, London. — **Robert Griffiths**, Nine-elms, and Belmont-place, Vauxhall, Surrey, coal merchant, July 20 at 2, Court of Bankruptcy, London. — **Alf. Stocken** and **Wm. Ulton**, Halkin-st., Belgrave-square, coach makers, July 19 at 2, Court of Bankruptcy, London. — **Jas. Stubbs**, Worthing and Brighton, Sussex, coach maker, July 18 at 2, Court of Bankruptcy, London. — **John Weeks**, Canterbury, chemist, July 21 at 11, Court of Bankruptcy, London. — **Hen. Lewis**, Haverfordwest, cabinet maker, July 24 at 11, District Court of Bankruptcy, Bristol. — **J. E. Merchant**, Bristol, linen draper, July 23 at 11, District Court of Bankruptcy, Bristol. — **John Wesley May**, Bristol, baker, July 26 at 11, District Court of Bankruptcy, Bristol. — **Wm. Butler**, Hall's Farm, Holt, Bradford, Wiltshire, victualer, July 20 at 12, District Court of Bankruptcy, Bristol. — **John Henderson**, Greenside, Ryton, Durham, wood merchant, July 18 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne. — **Gustavus Wulff**, Liverpool, banker, July 20 at 11, District Court of Bankruptcy, Liverpool. — **H. Johnstone**, Sheffield, Yorkshire, coach maker, July 18 at 11, District Court of Bankruptcy, Leeds. — **Wm. Peate**, Shrewsbury, Shropshire, grocer, July 18 at half-past 11, District Court of Bankruptcy, Birmingham. — **Rich. R. Walker**, Manchester, Scotch and Manchester warehouseman, July 24 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 18.*

**Geo. Lee**, Leeds, Yorkshire, woolstapler. — **Jas. Whitfield**, Tooley-street, Southwark, grocer. — **John Morgan**, Woodside, Cheshire, merchant. — **Wm. Y. Norton**, Birchhills, Bloxwich, Staffordshire, retail brewer. — **J. Grist**, New Brentford, grocer. — **John P. Stirling**, Blakeney, Norfolk, coal merchant. — **W. Southam**, Birchhills, Walsall, Staffordshire, miller. — **Richard Burgess**, Tunstall, Staffordshire, earthenware manufacturer. — **Ralph Taylor**, Tunstall, Staffordshire, earthenware manufacturer. — **William Shawcross** and **John Shawcross**, Stockport, Cheshire, cotton spinners. — **Charles John Gausson** and **James Gausson**, Liverpool, corn factors. — **Chas. Honey**, Littlemore, Oxfordshire, corn dealer. — **Alex. Fraser**, Trelleck-terrace, St. George, Hanover-square, lodging-house keeper. — **J. Wilshin**, Reading, Berkshire, draper. — **John W. Jones**, Calne, Wiltshire, tailor. — **Wm. Mott**, Regent-street, laceman. — **Francis Allen**, jun., Booden, Houghton, Staffordshire, brick maker. — **John Thos. Linford**, Canterbury, chemist.

## SCOTCH SEQUESTRATIONS.

**Rob. Sutherland**, Dochcarty, near Dingwall, farmer. — **And. Miller**, Louisburgh, Wick, merchant. — **Arch. M'Donald**, Inverness, hotel keeper. — **John Foyer**, Edinburgh, hatter.

## DECLARATIONS OF INSOLVENCY.

**Henry Leahy**, Philadelphia-terrace, Mount-gardens, Mount-street, Lambeth, Surrey, out of business. — **Thomas Dimmack**, Bilston, Wolverhampton, Staffordshire, iron refiner. — **George Clark Smith**, Baugh-bridge, Baugh, Darton, Yorkshire, cow leech. — **Benjamin Beaumont**, New Batley, Yorkshire, labourer. — **Thomas Walker**, New Batley, Yorkshire, clothier. — **John Howard**, Newport, St. Woollos, Monmouthshire, articulated clerk. — **Alex. Benjamin**, Leman-st., Goodman's-fields, watch maker. — **Joshua Garside**, Roydhouse, Linthwaite, Almondbury, Yorkshire, clothier. — **James Jones Dransfield**, Cradley, Hales Owen, Worcestershire, accountant. — **James Dow**, Market-place, Romford, Essex, baker. — **Pendry Gwyn**, Neath, Glamorganshire, shoemaker. — **Edmond Carr**, Heigham, Norwich, publican. — **Slater Dewhurst**, Galgatha, Lancashire, sawyer. — **J. Christopher Pooley**, Peldon, Essex, shoemaker. — **William Mann**, Heckmondwike, Birstal, Yorkshire, joiner. — **George Blacking**, St. Kerrian, Exeter, tailor. — **Eliza De Newville**, Hill, Sheffield, Yorkshire, teacher of music.



*Richard Naylor*, St. Peter the Little, Yorkshire, fishmonger.  
*Charles Hawksley*, Crook's-moor-side, Sheffield, Yorkshire, out of business.

*Thomas Smith*, Keighley, Yorkshire, mechanic.

*Henry Cockburn*, Gillingham, Kent, tobacconist.

*James Dangerfield*, Bridge-row, Pimlico, St. George, Hanover-square, ironfounder.

*John Hill Powell*, Creed-place, Greenwich, Kent, reporter.

*William Smith*, Plough-yard Livery Stables, Carey-st., Lincoln's-inn-fields, coach builder.

*Jonathan Wright*, Bradford, Yorkshire, worsted-stuff manufacturer.

*J. Whitley Cooper*, Hellesdon, Norwich, attorney at law.

*Thomas Parr*, Wroughton, Wiltshire, trainer.

*John Powner*, Hulme, Manchester, green grocer.

#### INSOLVENT DEBTORS.

*Saturday, June 24.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Hellyer*, Chalk-pit-hill, Chatham, Kent, farmer, No. 34,535 T.; *Samuel Sturgis*, gentleman, new assignee, in the room of *Thomas Wells*, removed.—*Wm. Maddams*, Broadstreet, Bloomsbury, cabinet maker, No. 54,449 T.; *Stephen Phillips*, assignee.—*Rob. Mackenzie*, Stafford-row, Pimlico, tailor, No. 55,029 T.; *Joseph Wait*, assignee.—*Geo. Coleby*, Stangate, Westminster-road, Lambeth, Surrey, out of business, No. 53,583 T.; *Daniel Salmon* and *Henry Wopshott*, assignees.—*Chas. Evans*, Haverfordwest, grocer, No. 33,510 C.; *Thomas Tombs*, assignee.—*Jas. Rose*, Little Saffron-hill, Holborn, shoemaker, No. 53,329 T.; *Robert Raddon*, assignee.—*Henry Dowers*, Crosby-hall-chambers, Bishopsgate-st. Within, general merchant and agent, No. 55,073 T.; *John Richardson*, assignee.—*Geo. Francis Huston*, Whitewell, near Welwyn, Hertfordshire, surgeon, No. 55,223 T.; *John Wells Higgs*, assignee.—*John Youle*, Sheffield, out of business, No. 62,470 C.; *William Wynn*, assignee.—*Bradshaw Hodgkinson*, Preston, Lancashire, butcher, No. 59,024 C.; *James Walsley* and *Richard Swarbrick*, assignees.—*John Dunn*, Norwich, baker, No. 58,219 C.; *John Rising Staff*, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, July 18 at 9.*

*Thos. Hewes*, St. John-street-road, Clerkenwell, out of business.—*Wm. Anstead*, Park-street, Grosvenor-square, house agent.—*Lawrence Cooper*, Coleman-street, out of business.—*Richard Wills*, Watling-street, out of business.—*G. Tucker*, Brunswick-place, Wyndham-road, Lambeth, clerk.—*J. Thurrell*, Queen's-road, Bayswater, carver.—*John Joyce*, Tyar-st., Lambeth, police constable.—*Lukyn Yeats*, Cheyne-row West, Cheyne-walk, Chelsea, whalebone preparer.—*William Wilson*, Elizabeth-place, Ball's-pond, out of business.—*John Wackett*, Chase-side, Enfield, retailer of beer.—*Jas. Widmer Anderson*, Newton-terrace, Horsemonger-lane, Newtonton, compositor.—*Joseph Law*, Henage-street, Bricklane, Spitalfields, lodging-house keeper.—*Chas. Hynon Stevens*, Thornton-heath, Croydon, out of business.—*Wm. Cornish*, Tysson-place, Kingeland-road, clerk.—*Hen. Brown*, Oxford-mews, Oxford-terrace, Edgware-road, cab proprietor.—*Chas. Hayman*, Penton-row, Walworth, clerk.

*Court-house, LANCASTER CASTLE, (County), July 17 at 10.*

*Jonas Charlesworth*, Bolton-le-Moors, Marseilles quilt manufacturer.

*July 18, at the same hour and place.*

*George Thomas Crowther*, Manchester, out of business.—*Wm. Powell*, Liverpool, publican.—*Wm. Folds*, Blackburn, butcher.—*James Griffiths*, Bury, victualler.—*Jos. Goodier*, Manchester, farmer.—*Albert Burnet*, Liverpool, drawing master.—*L. Whittaker*, Little Bolton, cotton-waste spinner.—*Edward Heyes*, Liverpool, out of business.—*John R. Colley*, Manchester, drysalter.—*John Bradshaw*, Manchester, coal dealer.—*Jonathan Collins*, Gigg, near Bury, manager in a cotton mill.—*Patrick Moran*, Manchester, publican.—*Charles Walsley*, Clitheroe, shoemaker.—*Thomas Wroe*, Blackfield, out of business.—*John Nuttall*, Bolton, dealer in hay and straw.—*John Hargreaves*, Clitheroe, packer.

*July 19, at the same hour and place.*

*Thomas Eytton*, Liverpool, assistant to the Abattoir Company patent manure manufacturers.—*Rich. Rothwell*, Southampton, provision dealer.—*Joseph Foster*, Liverpool, brass founder.—*Wm. Maddick*, Manchester, commission agent.—*Geo.*

*Shatwell*, Manchester, drysalter.—*James Allen*, Ormskir out of business.—*Edmund Smith*, Hulme, Manchester, farmer.—*Joseph Malison*, Manchester, vaultman.—*Edward Salisbury*, Blackburn, auctioneer.—*John Culshaw*, Burscough near Ormskir, butcher.—*Wm. Vickers*, Manchester, joiner.—*Wm. Simcock*, Manchester, harness maker.—*Jos. Campbell*, Ormskir, schoolmaster.—*Joseph Rogerson*, Wigan, surgeon.—*John Tunstall*, Manchester, out of business.—*Robt. Howarth*, Manchester, millwright.—*Wm. Newby*, Manchester, builder.—*John Hall*, Manchester, silk throwster.

*July 20, at the same hour and place.*

*James Markland*, Walton-le-Dale, licensed victualler.—*Isaac Newton*, Manchester, painter.—*John Caulton*, Manchester, hatter.—*James H. Webb*, Walton-le-Dale, reporter.—*Charles Cartwright*, Manchester, out of business.—*James Clegburn*, Birkenhead, Cheshire, out of business.—*Thos. Ellison*, Liverpool, corn broker.—*Robert Russell*, Liverpool, out of business.—*Wm. Cox*, Manchester, commercial traveller.—*Fred. G. Lynn*, Liverpool, cigar dealer.

*Court-house, MONMOUTH, (County), July 19 at 10.*

*Thos. M. Williams*, Monythastoyne, coal surveyor.—*John Leonard*, Redwick, farmer.—*Charles Evans*, Nanty Gro In Works, mine burner.—*Daniel Morgan*, Newbridge, near U. victualler.—*John Rees*, Lower Crown Blanton Iron Works beer retailer.—*David Blackwood*, Pontypool, innkeeper.—*Harper*, Newport, grocer.—*Wm. Prosser*, Abergavenny, retailer of beer.—*Wm. Ison*, Pontypool, draper.—*Sibyl John Newport*, victualler.—*Francis Hamblton*, Piliwenech, beer retailer.—*Thomas Richards*, Chepstow, grocer.—*Wm. Jones Chapel-hill*, cordwainer.—*Thomas Aaron Meaker*, Newport painter.—*George Kingston*, Newport, sail maker.—*James Lambert*, Monmouth, draper.

*Court-house, BURY ST. EDMUNDS, Suffolk, July 19 at 10.*

*Morris Jacob*, Bury St. Edmunds, greengrocer.—*James Typpie*, Bury St. Edmunds, tailor.—*W. H. Dakin*, Bury St. Edmunds, ironmonger.

*Court-house, CAMBRIDGE, (County), July 20 at 10.*

*Robt. Woods*, Seaham, farrier.—*John Challice*, Cambridge bookseller's clerk.—*Robert Frost*, Waterbeach, carpenter.—*James Whitaker*, Chatteris, Isle of Ely, plumber.—*William Chambers*, Ely, tailor.—*Wm. Branford*, Wisbeach St. Peter Isle of Ely, mail coachman.—*Thomas Clarke*, Little Port. on of business.—*Robert Whittle*, Cambridge, tailor.—*William Gaylor*, Cambridge, publican.—*Wm. Drake*, Cambridge, out of business.—*James Masters*, Cambridge, butcher.—*Wm. Bristow*, Cambridge, mail coachman.—*Joseph Stukings*, Cambridge, publican.

#### INSOLVENT DEBTORS' DIVIDENDS.

*James Hatfield*, Huntingdon, bookseller, July 3, Eades jun.'s, Cambridge: 2s. 6d. in the pound.—*Sir Hugh Evelyn Bart.*, Darlington-place, Borough-road, Southwark, July 1 Barton's, Buckingham-street, Adelphi: 3s. 6d. in the pound.—*James Taylor*, Leeds, grocer, July 3, Eddison's, Leeds 5s. 24d. in the pound.—*J. Bamford*, Brickbank, near Rod dale, Lancashire, farmer, at Lord's, Rochdale: 17s. in the pound.

**FRIDAY, JUNE 30.**

#### INSOLVENT.

**THOMAS THOMPSON**, Harwich, Essex, chemist & druggist.

#### BANKRUPTS.

**SOLLAY JOSEPH MANNING**, Camomile-street, City London, and Halesford, near Shepperton, Middlesex, manufacturer of bitters, and vender of patent medicines, July 2, and Aug. 11 at 12, Court of Bankruptcy, London. Off. Ass. Pennell; Sol. Moss, Queen-street, Cheapside. Fiat dated June 27.

**THOMAS PATMORE CHALK**, Linton, Cambridge, per, July 12 and Aug. 11 at 11, Court of Bankruptcy London: Off. Ass. Graham; Sols. Wiglesworth & Gray's-inn.—Fiat dated June 14.

**DANIEL GLASSFORD GORDON**, Mortimer-street, vendish-sq., merchant, July 7 at 3, and Aug. 8 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Finch & Neate, 57, Lincoln's-inn-fields.—Fiat dated June 24.

**PHILIP PROTHEROE and MARK DAVIS PROTHEROE**, Bristol, West India merchants, July 13 at 12, and Aug. 11 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Short, Bristol.—Fiat dated June 24.

**JOHN JENKINS**, Cwmbran, Lanvrechva Upper, Monmouthshire, shopkeeper, July 13 at 1, and Aug. 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Protheroe & Towgood, Newport, Monmouthshire; Hall, New Boswell-court, Lincoln's-inn-fields.—Fiat dated June 16.

**ANDREW ALLEN** and **WILLIAM ALLEN**, South Shields, Durham, drapers and shipowners, July 14 at half-past 12, and Aug. 14 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ingledew, Newcastle-upon-Tyne; Williamson & Hill, Gray's-inn.—Fiat dated June 26.

#### MEETINGS.

**Arthur Brideon**, Dublin, provision merchant, July 13 at half-past 11, Court of Bankruptcy, London, last ex.—**James Gibbs**, Jermyn-st., Westminster, scrivener, July 29 at half-past 1, Court of Bankruptcy, London, last ex.—**Wm. Greenwood**, Greenacres, Oldham, Lancashire, corn dealer, July 22 at 12, District Court of Bankruptcy, Manchester, last ex.—**Wm. Ellis**, Portsea, Southampton, timber merchant, July 21 at 1, Court of Bankruptcy, London, aud. ac.—**Edw. Messum**, Portsea, Southampton, brewer, July 21 at 11, Court of Bankruptcy, London, aud. ac. and div.—**J. Hopkins** and **J. Drewitt**, Arundel, Sussex, July 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—**G. Eshelby**, Gate-st., Lincoln's-inn-fields, carter, July 29 at 1, Court of Bankruptcy, London, aud. ac.—**J. C. Haxdon**, Three Nuns-court, Aldermanbury, and Canbury-villas, Islington, commission agent, July 29 at 12, Court of Bankruptcy, London, aud. ac.—**J. Stanford**, Cranborne, Dorsetshire, farmer, July 28 at half-past 1, Court of Bankruptcy, London, aud. ac.—**Mary Buchanan**, Shere, near Guildford, Surrey, brewer, July 28 at 11, Court of Bankruptcy, London, aud. ac.—**Wm. Hopkins**, Farringdon-street, butcher, July 22 at 12, Court of Bankruptcy, London, aud. ac.—**Tristram Thos. Squier**, Exeter, brush maker, July 28 at 12, District Court of Bankruptcy, Exeter, aud. ac.; July 29 at 11, div.—**Thos. Mason**, Stowford Mills, Harford, Devonshire, miller, July 28 at 1, District Court of Bankruptcy, Exeter, aud. ac.; July 29 at 1, div.—**John Honeyborne**, Kingswinford, Staffordshire, coal dealer, July 19 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; July 20 at 12, div.—**John Coats**, St. John-street, Middlesex, draper, July 21 at 12, Court of Bankruptcy, London, fin. div.—**Edwin Turner** and **John Ogden**, Leeds, iron and brass founders, July 29 at 11, District Court of Bankruptcy, Leeds, aud. ac., and div. sep. est. **E. Turner**.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

**John Overington**, Arundel, Sussex, plumber, July 24 at half-past 1, Court of Bankruptcy, London.—**John Robert Hildcock**, New Sarum, Wiltshire, hosier, July 21 at 2, Court of Bankruptcy, London.—**David William Morris**, Tredegar, Monmouthshire, July 28 at 12, District Court of Bankruptcy, Bristol.—**Chas. Chambers**, Holles-street, Cavendish-square, milliner, July 24 at 2, Court of Bankruptcy, London.—**John Nichols**, Blandford Forum, Dorchester, Dorsetshire, carrier, July 22 at 11, Court of Bankruptcy, London.—**Francis Wm. Nichols**, Blandford Forum, Dorchester, Dorsetshire, carrier, July 22 at 11, Court of Bankruptcy, London.—**Rich. Mogg Bryant**, Bristol, carpenter, July 21 at 11, District Court of Bankruptcy, Bristol.—**Jos. Emery Merchant**, Bristol, linen draper, July 25 at 11, District Court of Bankruptcy, Bristol.—**John Crallan**, Sunderland, Durham, timber merchant, July 24 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—**J. Goodchild Pallister** and **James May Butterfat Newrick**, Sunderland, Durham, grocers, July 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Wm. Ledbury**, Hagley, Worcestershire, and Coalboarnbrook, Ambecot, Staffordshire, coal merchant, July 22 at half-past 12, District Court of Bankruptcy, Birmingham.—**John Sanders Wallon**, Northallerton, Yorkshire, money scrivener, July 29 at 11, District Court of Bankruptcy, Leeds.—**Thomas Lloyd**, Market Deeping, Lincolnshire, grocer, July 28 at 11, District Court of Bankruptcy, Birmingham.—**Tristram Thos. Squier**, Exeter, brush maker, July 29 at 11, District Court of Bankruptcy, Exeter.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 21.

**Jos. Edmund Robinson**, Liverpool, wine merchant.—**Geo.**

**Fred. Cobham** and **Wm. Burt Wright**, Camden-place, Peckham, Surrey, and Gravesend, builders.—**Edw. Vaughan Austin**, Paradise-street, Rotherhithe, Surrey, apothecary.—**Sam. Garity**, Golden lane, St. Luke's, licensed victualler.—**Alas. Hay**, Great Queen-street, Lincoln's-inn-fields, coach maker.—**Aaron Brain**, Bedwelty, Monmouthshire, shopkeeper.—**W. Gregson Pitt**, Cheltenham, Gloucestershire, banker.

#### FIAT ANNULED.

**Francis Sandon**, Rugeley, Staffordshire, cabinet maker.

#### FIAT SUPERSEDED.

**W. Shaw**, Bleathgill, Brough, Westmoreland, cattle dealer.

#### SCOTCH SEQUESTRATIONS.

**James Christie**, Leith, merchant.—**John Dawson & Son**, Alva, manufacturers.

#### DECLARATIONS OF INSOLVENCY.

**Jas. Charlton**, Cecil-st., St. Martin's-lane, stay haberdasher.  
**Richard Steel**, Leek, Staffordshire, publican.  
**Matthew Hirst**, Meltham, Almondsbury, Yorkshire, clothier.  
**James Howard**, Bury, Lancashire, butcher.  
**Saml. Pickles**, Halifax, Yorkshire, cordwainer.  
**Matthew Booth**, Bradford, Yorkshire, beerseller.  
**Wm. Harrison**, Sheffield, stonemason.  
**Noah Brooks**, Bury, Lancashire, out of business.  
**Ann Wilson**, Liverpool, widow, out of business.  
**Wm. Reynolds**, Manchester, assistant to a beer retailer.  
**Culbert Woodcock Fowmes**, Waterloo-road, Lambeth, Surrey, out of business.  
**John Stacey**, Chandos-street, Covent-garden, tailor.  
**Abraham Montefiore**, Mile-end-road, Stepney, burial ground keeper to the Spanish and Portuguese Jews Community.  
**Robert Hudson**, Sheffield, out of business.  
**Wm. Thomas Fry**, Church-street, Christchurch, Surrey, dressing-case manufacturer.  
**Thomas Cook**, Giltspur-street, London, tailor.  
**James Swayne**, Red Lion-passage, Red Lion-street, Holborn, officer to the sheriff of Middlesex.  
**Samuel Mead**, Woburn, Bedfordshire, baker.  
**George Ward**, Gravesend, Kent, music printer.  
**Frederick Marsden**, Dean-street, New North-road, Hoxton, fancy marble paper manufacturer.  
**A. Alder**, John's-wood-terrace, Regent's-park, auctioneer.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, July 24 at 9.

**Geo. Wm. Martin**, Chatham, Kent, excavator.—**Wm. Staples**, Little Harcourt-street, Marylebone, omnibus driver.—**Jacobi Ahrenfeld**, Union-street, Bishopsgate-street, commission agent.—**John Amor**, jun., Coleshill-street, Pimlico, fishmonger.—**Adam Finlayson**, Old-street, St. Luke's, bookbinder.—**John Mearing**, Great Portland-street, Marylebone, upholsterer.—**Richard Howe**, sen., Theobald's-road, livery-stable-keeper.—**George P. Tory**, Fleet-street, linen warehouseman's warehouseman.—**Henry Sanderson**, Blue Anchor-alley, Bunhill-row, selling turnery goods on commission.—**S. Webb**, Queen-street, Ratcliffe, coal dealer.—**Wm. Woodger**, Black Horse-yard, Aldersgate-street, farrier.—**George Fred. Taylor**, Marlborough-street, Regent's-street, bookbinder.—**James C. Paffard**, Little Wild-street, Lincoln's-inn-fields, linen draper's shopman.—**Joseph Cubitt**, Founder's-hall-court, Lothbury, London, stock broker.—**Thomas Felton**, Macclesfield-street, Soho, collector.—**Heney Downes Miles**, Thanet-place, Strand, printer.—**Thomas Castle**, Hogg-lane, and Cherry-tree-hall, New-road, Chatham, Kent, rope maker.—**James H. Miller**, Mitcham, Surrey, florist.—**Joseph Rice**, Dowgate-hill, Cannon-street, London, out of business.—**John I. Burn**, South-square, Gray's-inn, attorney at law.

Court-house, LANCASTER, (County), July 21 at 10.

**John R. Ruston**, Tunstede, near Hornby, schoolmaster.—**James Pilling**, Clitheroe, gunsmith.—**H. Scholefield**, Croft, near Warrington, silk weaver.—**Richard Nicholson**, Walton-le-Dale, near Preston, out of business.—**James Parker**, Liverpool, baker.—**John Makinson**, Manchester, general agent.—**George Oxley**, Wavertree, near Liverpool, attorney at law.—**Margaret Cowen**, Tew-brook West, Derby-road, near Liverpool, lodging-house keeper.—**Rich. Peck**, Manchester, joiner.—**Thomas Knowles**, Manchester, out of business.—**Robert Letsum**, Salford, carter.—**George Emmett**, Preston, joiner.—**Edmund Milne**, Bradley, farm labourer.—**Thos. Lyon**, Blackburn, out of business.—**Thos. Watmough**, Preston, brewer.—**Samuel Burgess**, jun., Lower Broughton, grocer.

July 22, at the same hour and place.

*Wm. Yearsley*, Hulme, Manchester, out of business.—*T. Walker*, jun., Liverpool, out of business.—*Jas. Lord*, Bank-end, Rosendale, Blackburn, farmer.—*Rich. Nutter*, Marsden, near Colne, clogger.—*Thos. Woods*, Wigan, plumber.—*Rich. Goodwin*, jun., Liverpool, master mariner.—*Thomas Love*, Hulme, book keeper.—*Thos. Lang*, Wroughtington, labourer.—*James Sharples*, Manchester, retail dealer in ale.—*John Pritchard*, Liverpool, out of business.—*Jas. Alston*, Salford, brewer.—*Ed. Bate*, Manchester, out of business.—*Thomas Jordan*, Liverpool, out of business.—*Francis Anderton*, Cheetham, Manchester, out of business.—*Ann Willan*, Blackburn, butcher.—*Thomas Harrison*, Garstang, victualler.

July 24, at the same hour and place.

*Joseph Hall*, Manchester, copper-plate engraver.—*Ralph Holt*, Droylsden, retail dealer in beer.—*John Barnes Walker*, Grandley, near Manchester, provision shopkeeper.—*Robert Kearsley*, Chorley, retail dealer in ale.—*Thos. Savage*, Gornalgh, near Garstang, farmer.—*John Schofield*, jun., Pendleton, farmer.—*Betty Smith*, Southport, lodging-house keeper.—*Ed. Docker*, Manchester, silk broker.—*Richard Lambert*, Preston, retail dealer in ale.—*Chas. Reed*, Manchester, out of business.—*Wm. Swarbrick*, Manchester, brush maker.—*J. Chapman*, Bolton, out of business.—*Elizabeth Bradley*, Preston, out of business.—*L. Elton*, jun., Edenfield, Bury, cotton spinner.—*Thomas Wormald*, Barton, near Manchester, out of business.

#### INSOLVENT DEBTORS' DIVIDEND.

*Lamb. Fell*, Liverpool, licensed victualler, *Avison & Pritt's*, Liverpool: 6s. 7d. in the pound.

#### MEETING.

*Mary Enelson*, Nuthurst, Sussex, spinster, July 28 at 12, Johnston's, 100 Chancery-lane, sp. aff.

THE ELDON LAW SCHOLARSHIP.—On Saturday, 17th June, the Eldon Law Scholarship was adjudged by the trustees to Mr. Edward Kent Karslake, Fellow of Balliol College, Oxford, and late Student of Christchurch, eldest son of Mr. H. Karslake, solicitor, Regent-street.

#### LAW BOOKS.

Mr. HODGSON will SELL by AUCTION, at his Great Room, 192, Fleet-street, (Corner of Chancery-lane), on TUESDAY next, July 4th, at half-past 12,

THE VALUABLE LAW LIBRARY of W. J. PHELPS, Esq., of the Inner Temple, Barrister at Law, retiring from the Profession. Including the Year Books; Chitty's Equity Index; Series of the Old Reports, Treatises, and Books of Practice; also, the Reports of Peere Williams, Atkyns, Ambler, Cox, Brown, Vesey, Vesey jun., (SECOND EDITION), Merivale, Swanston, Jacob & Walker, Jacob, Turner, Russell, Russell & Mylne, Mylne & Keen, Mylne & Craig, Tamlyn, Keen, Beavan, Simons & Stuart, Simons, Rose, Dyer, Coke, Croke, Saunders, Salkeld, Shower, Comyns, Lord Raymond, Wilson, Cowper, Douglas, Durnford & East, East, Maule & Selwyn, Barnewall & Alderson, Barnewall & Cresswell, Barnewall & Adolphus, Adolphus & Ellis, Dowling, Dowling & Ryland, Manning & Ryland, Nevile & Manning, Nevile & Perry, Perry & Davison, Campbell, Bosanquet & Puller, Taunton, Broderip & Bingham, Bingham, Manning & Granger, J. B. Moore, Moore & Payne, Moore & Scott, Scott, Crompton & Jervis, Crompton & Meeson, Crompton, Meeson, & Roscoe, Meeson & Welsby, &c. &c.

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30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
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# The Jurist

No. 339.

LONDON, JULY 8, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, JULY 8, 1843.

A LATE most lamentable event has directed our thoughts towards the consideration of the origin and nature of the practice of private combat; a practice resting upon custom so strong, as to amount to a species of social legislation, constituting an imperium in imperio, and substituting the unauthorized fiat of society, for the laws which that society has itself framed. Of the origin of the practice of duelling much has been written, and many doubts are entertained as to what particular practice of our ancestors, or of the early societies in other parts of Europe, has been the foundation of it. This much is, however, certain, that its origin is not to be found without going back to those periods of the history of Europe, when the strength of the arms was more considered than the strength of the mind; when a heavy blow struck by a long two-handed sword was an achievement far superior in public estimation, to the noblest intellectual effort of the noblest mind; when the qualities that would now make a good blacksmith, and a good prize-fighter, were those that made a knight and a noble; in a word, thus much is clear—that, to find the original of duelling, we must throw ourselves back into the darkness and chaos of European barbarism. In the trial by battle, which has been thought by many to be the origin of duelling, though it is far more probable that it was itself but a special emanation of the general practice of a warlike and barbarous people\*, there

\* Mr. Hallam asserts that duelling, in the modern sense of the word, exclusive of casual frays and single combats, was unknown before the sixteenth century. He mentions, however, an early instance of a duel, which, as he observes, seems to illustrate its derivation from the judicial combat. The qualification introduced by the learned historian into his assertion, by the words "in the modern sense of the word," makes it rather difficult to ascertain the exact scope of his assertion. That the practice of fighting battles, in some sense similar to modern duels, for avenging insults, may be traced back many centuries beyond the sixteenth, is quite certain. And the combats

was, however, some reason. In the days when that judicial institution flourished, the people generally, as well as the chivalry of Europe, were fully impressed with the belief that God gave the victory to the right, and so believing, there was perfect rationality in the system of appealing to God by way of battle. "There were circumstances," says Dr. Robertson, "which led the nations of Europe to consider this equivocal mode of deciding any point in contest as a direct appeal to Heaven, and a certain method of discovering its will. As men are unable to comprehend

between knights, which abound in old chronicles, and in the books of chivalry, for determining the relative amounts of charms of their respective mistresses, and other equally important causes of dispute, have far more of affinity with modern duels, than with casual frays or single combats during war. That the trial by battle was itself a consequence of an already established practice, and not the origin of the practice of duelling, seems consistent with an ancient law quoted by Dr. Robertson, (View of the State of Europe &c., proofs and illustrations, n. 22), from Stiernhook's Lex Uplandica, App. p. 76. The words of the law are, "If any man shall say to another these reproachful words, 'You are not a man equal to other men,' or 'You have not the heart of a man,' and the other shall reply, 'I am a man as good as you,' let them meet in the highway. If he who first gave the offence appear, and the person offended absent himself, let the latter be deemed a worse man even than he was called. Bet him not be admitted to give evidence in judgment, either for man or woman, and let him not have the privilege of making a testament. If he who gave the offence be absent, and only the person offended appear, let him call on the other thrice with a loud voice, and make a mark upon the earth, and then let him who absented himself be deemed infamous, because he uttered words which he durst not support. If both shall appear properly armed, and the person offended shall fall in the combat, let a half compensation be paid for his death. But if the person who gave the offence shall fall, let it be imputed to his own rashness. The petulance of his tongue hath been fatal to him. Let him lie in the field without any compensation being demanded for his death."

This law clearly recognises the practice of settling differences arising out of personal insult by the duel, and indeed contemplates a form of proceeding very closely similar to the modern practice of duels.

the manner in which the Almighty carries on the government of the universe, by equal, fixed, and general laws, they are apt to imagine, that, in every case which their passions or interest render important in their own eyes, the Supreme Ruler of all ought visibly to display his power in vindicating innocence and punishing guilt. Religion for several centuries consisted chiefly in believing the legendary history of those saints whose names crowd and disgrace the Romish calendar. The fabulous tales concerning their miracles had been authenticated by the bulls of popes and the decrees of councils. They made the great subject of the instructions which the clergy offered to the people, and were received by them with implicit credulity and admiration. By attending to these, men were accustomed to believe that the established laws of nature might be violated on the most frivolous occasions, and were taught to look, rather for particular and extraordinary acts of power under the Divine administration, than to contemplate the regular progress and execution of a general plan. One superstition prepared the way for another; and whoever believed that the Supreme Being had interposed miraculously on those trivial occasions mentioned in the legends, could not but expect his intervention in matters of greater importance, when solemnly referred to his decision."

There is undoubtedly not the same ground for imputing rationality to the practice of the modern duel, in which assuredly, to adopt the observation of Mr. Hallam, there is no mixture of superstition. (See 3 Hallam, 339). What indeed is the principle of the modern duel, it would be extremely difficult to ascertain. It cannot be thought founded on any principle of affixing a particular punishment to a particular offence, for the punishment has in its nature rarely any reference to the offence; and moreover, it is always matter of entire uncertainty which will be punished, the offender or the offended. The idea pervading the trial by battle, of ascertaining the truth by the issue of the combat, is of course wholly exploded. If A., for instance, now challenges B., because B. calls A. a liar, no one ever forms any belief whatever, founded on the result of the duel, of the truth or falsehood of the charge. The principle generally thought, or at least alleged, to be at the root of the modern duel, viz. its effect, by way of a species of social legislation in *terrorem*, to restrain ruffianism in polished society, is manifestly inconsistent with any logical reasoning, and is in contradiction with experience; for how can ruffianism be restrained by a practice, which gives to an individual, power in direct proportion to his ruffianism and recklessness of mere animal bravery? When we assert that we keep down the tendency to commit ordinary crime by punishing its commission, that may be a sound doctrine; for it may be true, that the fear of receiving punishment may operate to prevent crime. But if any legislator were to assert that ordinary crime would be best prevented by making the criminal throw with dice, or in any other method, depending upon mere chance, seek to determine whether he should be punished, or whether the victim of his criminal act should be punished, such legislator would, we apprehend, be laughed at as infinitely unreasoning and ridiculous. This however is precisely the reasoning on which it is

asserted, that the duel preserves polished society from ruffianism. It would be idle to urge any more arguments against a piece of social legislation so totally inconsistent with modern civilisation.

The law affecting the duel in this country is too well known to require much comment. In the way in which it is ordinarily conducted, viz. when an insult having passed, a challenge is deliberately given and accepted, and the parties thereafter fight, and one is killed, there can be no question whatever that the act is, at law, murder. The policy and justice of this law may be much questioned in the present state of public opinion; for while society awards opprobrium to him who will not demonstrate the existence of his animal courage by fighting, it seems rather a hard measure of justice, and rather a poor manifestation of reasoning, that the same society should award death to him who does demonstrate his animal courage by fighting and killing. Such, however, is clearly the law, but the practice is different; and by some singular train of reasoning in the minds of juries, some very special aptitude to confound in such cases the different degrees of homicide, it has happened, that, with a few exceptions a successful combatant in a duel has scarcely ever appeared from the verdict of a jury to have committed murder\*. This inconsistency between the law and the practice can neither be wondered at nor terminated while society continues to attach to the practice of personal combat, any of the prestige with which it is still unfortunately and most unjustly surrounded†.

### Rebibo.

*The Code of Practice of the High Court of Chancery &c.* By THOMAS KENNEDY, Solicitor. London: Spectator, 1843.

There is undoubtedly a faculty and disposition in the human mind, of which we find occasional manifestations, to collect all manner of dry and curious information, of a sort so generally unattractive, and requiring for its acquisition and arrangement so much patient industry, so much insensibility to the desiccating influence of its uninteresting and musty nature, that while we wonder at the patience and singular fancy of the collector, we cannot but exclaim, God be praised that there are men to be found who will do such things! Of this faculty and disposition a most energetic manifestation is now before us, in the shape of a book, which, in the short space of a little more than 300 pages of small octavo, contrives to give a really minute history of the origin and gradual formation of the Court of Chancery and its practice; a chronological table of all the statutes affecting the court, and its judges, officers, &c.; a similar table of all the repealed statutes; a table of the designating marks of, and of the periods embraced by, the Registrars' books, from the 36 Hen. 8 downwards; a chronological table of all the

\* Mr. Mackay, in his curious work on popular delusions, records a variety of instances of duels occurring since the beginning of the eighteenth century, in which verdicts of manslaughter have been returned, though in point of law there could be no doubt whatever that the killing amounted to murder.

† The value of fighting a duel, as evidence even of animal bravery, the only quality of which it is any evidence at all, is immensely exaggerated by society. There is probably more personal bravery developed yearly, monthly, nay weekly, by a London fireman, or the driver of a locomotive engine, or a Cornish miner, than would suffice for a dozen duels.



General Orders that have ever been issued in Chancery; and lastly, the General Orders themselves from 1814 down to the present time.

What is the immediate use of the greater part of the information thus collected by Mr. Kennedy to the practitioner, it is difficult to foresee, as his work contains little of a character directly applicable to practice, that is not to be found in many other books. But, at the same time, the quantity of information collected is so considerable, and the quality of a very great part of it renders the search for it, on any special occasion when it may be wanted, so troublesome and disagreeable, that it is impossible to say when the practitioner may not find such a book of reference a most valuable accession to his library. The parts of Mr. Kennedy's book which appear to us likely to be most useful, are the chronological tables of statutes, and the chronological table of orders. The preliminary chapter, containing the history of the jurisdiction of the court, is very complete and minute, embracing apparently every legislative or judicial alteration that has ever been made in its constitution and practice; and though this part of the author's compilation may not be the subject of frequent reference in practice, it contains much matter of historical and general interest to the equity lawyer, and will probably be found very useful for reference, to other writers who may turn their attention to the investigation and improvement of particular portions of the jurisdiction and practice of the Court of Chancery. On the whole, we think Mr. Kennedy has undertaken a labour which few would have been found to undertake, and has so executed his appointed task as to produce a work of some utility.

#### CIRCUITS OF THE COMMISSIONERS FOR THE RELIEF OF INSOLVENT DEBTORS.

##### AUTUMN CIRCUITS, 1843.

###### HOME CIRCUIT.

H. R. REYNOLDS, Esq., Chief Commissioner.

*Ind.* at Dover, Monday, October 23.  
*Canterbury* (City), Wednesday, October 25.  
*Ind.* at Maidstone, Friday, October 27.  
*Sussex*, at Horsham, Monday, November 13.  
*Hertfordshire*, at Hertford, Friday, November 24.

###### MIDLAND CIRCUIT.

J. G. HARRIS, Esq., Commissioner.

*Leics.* at Chelmsford, Tuesday, October 24.  
*Leics.* at Colchester, Wednesday, October 25.  
*Suffolk*, at Ipswich, Thursday, October 26.  
*Suffolk*, at Yarmouth, Saturday, October 28.  
*Suffolk* (Norwich and City), Monday, October 30.  
*Suffolk*, at Lynn, Wednesday, November 1.  
*Suffolk*, at Bury St. Edmunds, Saturday, November 4.  
*Cambridgeshire*, at Cambridge, Monday, November 6.  
*Huntingdonshire*, at Huntingdon, Wednesday, November 8.  
*Huntingdonshire*, at Oakham, Thursday, November 9.  
*Northamptonshire*, at Peterborough, Friday, November 10.  
*Lincolnshire* (Lincoln and City), Monday, November 13.  
*Nottinghamshire* (Nottingham and Town), Wednesday, November 15.  
*Derbyshire*, at Derby, Friday, November 17.  
*Lichfield* (City), Saturday, November 18.  
*Staffordshire*, at Stafford, Monday, November 20.  
*Shropshire*, at Shrewsbury, Thursday, November 23.  
*Warwickshire*, at Birmingham, Monday, November 27.  
*Warwickshire*, at Oldbury, Wednesday, November 29.  
*Warwickshire*, at Warwick, Thursday, November 30.  
*Gloucester* (City), Saturday, December 2.  
*Leicestershire*, at Leicester, Monday, December 4.  
*Northamptonshire*, at Northampton, Wednesday, Dec. 6.  
*Suffolk*, at Bedford, Friday, December 8.  
*Huntingdonshire*, at Aylesbury, Saturday, December 9.

###### NORTHERN CIRCUIT.

W. J. LAW, Esq., Commissioner.

*Yorkshire*, at Sheffield, Friday, October 20.  
*Yorkshire*, at Wakefield, Monday, October 23.  
*Kingston-upon-Hull* (Town), Tuesday, October 30.  
*Yorkshire* (at York and City), Thursday, November 2.  
*Yorkshire*, at Richmond, Monday, November 6.  
*Durham*, at Durham, Tuesday, November 7.  
*Northumberland* (at Newcastle-upon-Tyne and Town), Thursday, November 9.  
*Cumberland*, at Carlisle, Monday, November 13.  
*Westmorland*, at Appleby, Wednesday, November 15.  
*Westmorland*, at Kendal, Thursday, November 16.  
*Lancashire*, at Lancaster, Friday, November 17.  
*Lancashire*, at Preston, Saturday, November 25.  
*Lancashire*, at Liverpool, Tuesday, November 28.  
*Cheshire* (at Chester and City), Friday, December 1.  
*Flintshire*, at Mold, Monday, December 4.  
*Denbighshire*, at Ruthin, Tuesday, December 5.  
*Anglesey*, at Beaumaris, Thursday, December 7.  
*Carnarvonshire*, at Carnarvon, Friday, December 8.  
*Merionethshire*, at Dolgelly, Tuesday, December 12.  
*Montgomeryshire*, at Welch Pool, Thursday, December 14.

###### SOUTHERN CIRCUIT.

D. POLLOCK, Esq., Commissioner.

*Berkshire*, at Reading, Monday, October 9.  
*Oxfordshire*, at Oxford and City, Tuesday, October 10.  
*Worcestershire*, at Worcester and City, Thursday, October 12.  
*Herefordshire*, at Hereford, Saturday, October 14.  
*Radnorshire*, at Presteigne, Monday, October 17.  
*Brecknockshire*, at Brecon, Tuesday, October 17.  
*Carmarthenshire*, at Carmarthen and Borough, Thursday, October 19.  
*Cardiganshire*, at Cardigan, Saturday, October 21.  
*Pembrokeshire*, at Haverfordwest and Town, Tuesday, October 24.  
*Glamorganshire*, at Swansea, Thursday, October 26.  
*Glamorganshire*, at Cardiff, Saturday, October 28.  
*Monmouthshire*, at Monmouth, Monday, October 30.  
*Gloucestershire*, at Gloucester and City, Saturday, Nov. 4.  
*Bristol* (City and County), Wednesday, November 8.  
*Somersetshire*, at Bath, Saturday, November 11.  
*Somersetshire*, at Taunton, Tuesday, November 14.  
*Cornwall*, at Bodmin, Saturday, November 18.  
*Devonshire*, at Plymouth, Monday, November 20.  
*Devonshire*, at Exeter (City and County), Wednesday, November 22.  
*Dorsetshire*, at Dorchester, Saturday, November 25.  
*Wiltshire*, at Salisbury, Tuesday, November 28.  
*Southampton* (Town), Thursday, November 30.  
*Hampshire*, at Winchester, Saturday, December 2.

#### London Gazettes.

TUESDAY, JULY 4.

##### BANKRUPTS.

HORATIO WYER, Newington-causeway, Surrey, tailor and draper, July 10 at 11, and Aug. 15 at half-past 12, Court of Bankruptcy, London; Off. Ass. Alsager; Sols. Smith & Atkins, Serjeant's-inn, Fleet-street.—Fiat dated June 24.  
JOSEPH BOYD, Piccadilly, Middlesex, publican and eating-house keeper, July 10 at half-past 10, and Aug. 15 at 12, Court of Bankruptcy, London; Off. Ass. Whitmore; Sols. Parkinson & Hayton, 2, Field-court, Gray's-inn.—Fiat dated June 24.  
THOMAS KENRICK, Oxford-street, Middlesex, horse dealer and livery-stable keeper, July 11 at 10, and Aug. 9 at 11, Court of Bankruptcy, London; Off. Ass. Belcher; Sol. Foster, Jermyn-st., St. James's.—Fiat dated July 3.  
ABRAHAM HARRIS, Sharp's-buildings, Tower-hill, Middlesex, slopseller, July 12 at half-past 11, and Aug. 15 at 11, Court of Bankruptcy, London; Off. Ass. Turquand; Sol. Lewis, Arundel-street, Strand.—Fiat dated June 29.  
NICHOLAS GARVIE, Rahere-street, St. Luke's, Middlesex, tailor, July 20 at 1, and Aug. 12 at 11, Court of Bankruptcy, London; Off. Ass. Edwards; Sol. Anderson, 80, Cornhill.—Fiat dated June 29.

**JOHN CLINCH**, King-street, Hammersmith, Middlesex, omnibus proprietor, July 12 at 10, and Aug. 9 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Jennings, High-street, Notting-hill, and Cook's-court, Carey-street, Lincoln's-inn-fields.—Fiat dated June 30.

**SAMUEL POLAK**, Newport, Monmouthshire, woollen-draper, slopeller, and furniture manufacturer, July 12 at half-past 10, and Aug. 9 at 1, Court of Bankruptcy, London; Off. Ass. Johnson; Sols. Reed & Shaw, 2, Friday-st., Cheapside.—Fiat dated June 29.

**HENRY BOURNE**, Wolsingham, Durham, scrivener, July 17 at 2, and Aug. 14 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Thompson, Durham; Nicholls & Doyle, 8, Cook's-court, Lincoln's-inn.—Fiat dated June 28.

**JAMES HODGES**, Wolverhampton, Staffordshire, stock-lock maker, July 13 at half-past 12, and Aug. 10 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Pinchard, Wolverhampton.—Fiat dated June 27.

**GEORGE CLEVERLEY**, Calne, Wiltshire, builder, July 13 at half-past 1, and Aug. 18 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sols. Timbrell & Co., Bradford, Wiltshire; Jones & Blaxland, London.—Fiat dated June 14.

**JOHN BRITTON**, Darlington, Durham, innkeeper, July 14 at 11, and Aug. 22 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Stevenson, Darlington; Burn, Doctors-commons.—Fiat dated June 21.

**CHARLES SHARRATT**, Walsall, Staffordshire, saddlers' ironmonger and factor, July 19 at 2, and Aug. 11 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Manby & Hawkesford, Wolverhampton.—Fiat dated June 27.

#### MEETINGS.

*John Clarke, Richd. Mitchell, Jos. Phillips, and Thomas Smith*, Leicester, bankers, July 17 at 11, District Court of Bankruptcy, Birmingham, pr. d.—*Hen. Walton, jun.*, Crowland, Lincolnshire, wheelwright, July 14 at 11, Court of Bankruptcy, London, last ex.—*John Stevens*, Britwell Salome, Oxfordshire, ironfounder, July 13 at 1, Court of Bankruptcy, London, last ex.—*John Nottingham*, Cheltenham, Gloucestershire, picture dealer, July 31 at 2, District Court of Bankruptcy, Bristol, last ex.—*Thomas M. Whiteley*, Liverpool, hatter, July 26 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 15 at 11, last ex.—*William Howarth and Wm. Williams*, Manchester, drysalters, Aug. 4 at 12, District Court of Bankruptcy, Manchester, last ex. of *William Howarth*: August 5 at 12, aud. ac.; August 7 at 12, div. joint est.—*Wm. Heginbottom*, Ashton-under-Lyne, cotton spinner, July 15 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Pool*, Morrice-town, near Devonport, Stoke Damerel, Devonshire, brewer, July 29 at 12, District Court of Bankruptcy, Exeter, last ex.—*Jas. Whiting*, Seckforde-street, Clerkenwell, carpenter, July 27 at 12, Court of Bankruptcy, London, aud. ac.—*Rich. Walter*, Coventry, ribbon manufacturer, and Wood-st., Cheapside, warehouseman, July 27 at 12, Court of Bankruptcy, London, aud. ac.—*A. Holloway*, Basingstoke, and Stratfield Turgis, Hampshire, draper, July 27 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Rob. Griffiths*, Nine-elms, and Belmont-place, Vauxhall, Surrey, coal merchant, July 27 at 1, Court of Bankruptcy, London, aud. ac.—*Isaac Winter*, Boxmoor, Hemel Hempstead, Hertfordshire, common brewer, July 20 at 12, Court of Bankruptcy, London, aud. ac.; July 27 at 1, div.—*John Horatio Clark and Henry Chas. Farrow*, King William-st., London, wine merchants, July 18 at half-past 2, Court of Bankruptcy, London, aud. ac.; July 25 at half-past 12, div.—*Thos. Whitmarsh*, Sussex Hotel, Tunbridge Wells, Kent and Sussex, hotel-keeper, July 25 at half-past 11, Court of Bankruptcy, London, aud. ac.; July 27 at half-past 12, div.—*John Saunders, James Fanner, and Thos. H. Saunders*, Basinghall-street, London, and Bradford, Wiltshire, woollen manufacturers, July 20 at 11, Court of Bankruptcy, London, aud. ac.; July 27 at 12, div. joint est.—*Abraham Henry Chambers, sen., and Abraham Henry Chambers, jun.*, New Bond-street, and South Molton-street, Middlesex, bankers, July 21 at 1, Court of Bankruptcy, London, aud. ac.—*Jas. Goren*, Orchard-st., Portman square, scrivener, July 20 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Nath. Dickenson*, Ancoats, Manchester, dyer, July 26 at 1, District

Court of Bankruptcy, Manchester, aud. ac.; July 27 at 12, div.—*Joseph Oates*, Glossop, Derbyshire, innkeeper, July 21 at 2, District Court of Bankruptcy, Manchester, aud. ac.; July 27 at 11, div.—*Israel Wade*, Manchester, grocer, July 25 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*J. B. Robinson and Wm. Robinson*, Macclesfield, Cheshire ironmongers, July 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 27 at 12, div.—*Thomas William son*, Salford, Lancashire, grocer, July 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; July 27 at 12, div.—*Edward Cock*, Plymouth, Devonshire, linen draper, July 28 at 12, District Court of Bankruptcy, Exeter, aud. ac.—*William Morgan*, Cheltenham, Gloucestershire, builder, July 31 at half-past 2, District Court of Bankruptcy, Bristol, aud. ac.—*T. Hyatt*, Shepton Mallet, Somersetshire, scrivener, July 26 at 11, District Court of Bankruptcy, Bristol, aud. ac.; at 12, div.—*Jos. Drewe*, Keynasham, Somersetshire, scrivener, July 21 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*H. Davis*, Bristol, scrivener, July 27 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Jos. Travell*, Sheffield, tailor Aug. 1 at 11, District Court of Bankruptcy, Leeds, aud. ac. Aug. 3 at 11, fin. div.—*John Lucy, jun.*, Liverpool, tailor July 26 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Nicholas Twite*, Liverpool, wholesale poulterer, July 21 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*T. Baker*, Birmingham, brass cock maker, July 25 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Honeyborne*, Kingswinford, Staffordshire, coal dealer July 26 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; July 27 at 12, div.—*James Goddard and H. Goddard*, Market Harborough, Leicestershire, bankers July 26 at 12, District Court of Bankruptcy, Birmingham aud. ac.—*John Cooper*, Keele, Staffordshire, tailor, July 28 at 12, District Court of Bankruptcy, Birmingham, div.—*John Smith*, Hoo-mills, Haselor, Warwickshire, dealer and chapman, July 25 at 12, District Court of Bankruptcy, Birmingham, div.—*H. C. Jeffreys*, Much Wenlock, Shropshire, miller, July 25 at 12, District Court of Bankruptcy, Birmingham, div.—*Edward Dunn*, Walsley, Colnawick, Staffordshire, innkeeper, July 28 at half-past 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*David Ellis, jun.*, Haverhill, Suffolk, draper, July 26 at 2, Court of Bankruptcy, London.—*John Fairmaner*, Farnham, Surrey, shopkeeper, July 25 at 11, Court of Bankruptcy, London.—*Thomas Whitmarsh*, Tunbridge-wells, Kent and Sussex, hotel keeper, July 25 at half-past 11, Court of Bankruptcy, London.—*Wm. M. Senior*, St. Swithin's-lane, London, hardwareman, July 25 at 12, Court of Bankruptcy, London.—*John Pratt*, Adelaide-street, Strand, surgeon, Aug. 11 at 11, Court of Bankruptcy, London.—*Henry Tanser*, Grenada-place, Stepney, master mariner, Aug. 11 at half-past 11, Court of Bankruptcy, London.—*John Crow*, North-end, Fulham, victualler, July 25 at 12, Court of Bankruptcy, London.—*Henry Lewis*, Llandovery, Carmarthenshire, draper, July 28 at half-past 12, District Court of Bankruptcy, Bristol.—*J. Wicks*, Trowbridge, and Hawkeridge, Wiltshire, clothier, July 28 at 1, District Court of Bankruptcy, Bristol.—*James Chard*, Bristol, corn factor, July 28 at 12, District Court of Bankruptcy, Bristol.—*Hen. Thompson*, Bristol, saddler, Aug. 1 at 11, District Court of Bankruptcy, Bristol.—*J. Bennett*, Manchester, calico printer, July 31 at 12, District Court of Bankruptcy, Manchester.—*C. T. Dunlevie*, Liverpool, corn factor, July 27 at 12, District Court of Bankruptcy, Liverpool.—*William Jones*, Llanrwst, Denbighshire, druggist, July 31 at 12, District Court of Bankruptcy, Liverpool.—*George Newmarch*, Nottingham, and Sheffield, furrier, July 24 at 11, District Court of Bankruptcy, Leeds.—*Wm. Moses*, Ripon, Yorkshire, innkeeper, July 27 at 11, District Court of Bankruptcy, Leeds.—*J. Holdsworth*, Bradford, Yorkshire, worsted spinner, July 27 at 11, District Court of Bankruptcy, Leeds.—*Joseph Jones*, Stafford, bookseller, July 27 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before July 25.*

*John Clapham*, Leeds, licensed victualler.—*Robt. Spencer*, Newcastle-upon-Tyne, scrivener.—*Chas. Cross and B. Spauld*, Colchester, Essex, merchants.—*J. N. Balme*, Leeds, wool-



stapler.—*Wm. Hussey*, Nether Knutsford, Cheshire, baker.—*John W. Morley*, Sunderland, Durham, iron manufacturer.—*Thomas Walker*, Poulton in the Fylde, Lancashire, grocer.—*Chas. M. Nicholson*, New Corn Exchange, Mark-lane, London, corn dealer.—*John Evans*, Liverpool, coal dealer.—*Jas. Weldon*, Kidderminster, Worcestershire, and Bell's-buildings, Salisbury-square, London, feather merchant.—*John Evans*, Torquay, Devonshire, ironmonger.—*Richard Rose*, Sutton Valence, Kent, grocer.—*Thomas Steel*, Stockport, Cheshire, silk spinner.

## FIATS ANNULLED.

*John Wheeler*, Princes-street, Hanover-square, tailor.—*William Hume King*, *Hen. King*, and *David King*, Old-st.-road, and Horns-row, Shoreditch, coach builders.

## SCOTCH SEQUESTRATIONS.

*John Smith*, Nairn, surgeon.—*Jos. Clark*, Edinburgh, spirit dealer.—*Hugh Thomson*, Paisley, ironmonger.—*W. Boss*, Kinnairdie, fisher.—*John Hardie*, Borrowstowness, Linlithgow, corn merchant.—*James Purves*, Galashiels, ironmonger.

## DECLARATIONS OF INSOLVENCY.

*James Sharp*, Bradford, Yorkshire, innkeeper.  
*James Cook*, Sheffield, scissor forger.  
*Edward Beal*, Chorlton-upon-Medlock, grocer.  
*Carl Diderick Raabe*, Bayham-st., Camden-town, hatter.  
*Charles Moorby*, Skipton, Yorkshire, tailor.  
*Samuel Rainbird*, Norwich, carpenter.  
*James Allen Maguire*, Liverpool, licensed victualler.  
*James Williams*, Wickham-market, Suffolk, grocer.  
*John Hutchinson*, Cowling, Yorkshire, cattle dealer.  
*Francis Wiseman*, Sheffield, warehouseman.  
*Thomas Wood*, Shuttleworth, Lancashire, quarryman.  
*William Ashall*, Great Bolton, Lancashire, watch maker.  
*Thomas Lee*, Kirkheaton, Yorkshire, boat builder.  
*John Whitaker*, Skipton, Yorkshire, licensed victualler.  
*William Thorpe*, Quarndon, Derbyshire, bookseller.

## INSOLVENT DEBTORS.

Saturday, July 1.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Andrew Anderson*, Greenwich, Kent, clerk in Royal Hospital, Greenwich, No. 39,269 T.; *Samuel Sturgis*, gentleman, new assignee, in the room of John Porter and William Barnes, removed.—*John Pool*, Staveley, near Boroughbridge, Yorkshire, publican, No. 62,467 C.; *John Groves* and *Thomas Gott*, assignees.—*John Clements*, Oxford, watch maker, No. 62,968 C.; *John Troup* and *Henry John Lias*, assignees.—*Morgan Jones*, President-street East, King-square, Goswell-road, superintendent of a cab business, No. 55,031 T.; *Evan Roberts*, assignee.—*Wm. Senior*, Leeds, Yorkshire, carrier, No. 62,827 C.; *William Fieldhouse*, assignee.—*Thos. Dunderdale*, Thorne, Yorkshire, butcher, No. 62,777 C.; *Edwin Casson*, assignee.—*Geo. Mellor*, Fetter-lane, Fleet-st., china painter, No. 54,922 T.; *William John Stannard*, assignee.—*Wm. Saunders*, West Henderd, near Wantage, Berkshire, dealer in beer by retail, No. 62,729 C.; *Joseph Child*, assignee.—*Sam. Farrer*, Bradford, Yorkshire, stone mason, No. 61,762 C.; *Ralph Wheatley*, assignee.—*G. Martin*, Queen's-road, Queen's-terrace, Dalston, veterinary surgeon, No. 54,999 T.; *Robert Branscombe*, assignee.—*James Aldrich*, sen., James-street, Old-street-road, coachsmith, No. 55,108 T.; *John Norton*, assignee.—*Wm. Chas. Haddon*, Red Cross-sq., Jewin-street, Cripplegate, clerk to an equitable loan society, No. 46,574 T.; *Francis Kearsy*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, July 25 at 9.*

*Jas. Ray*, King-street, Poplar, lodging-house keeper.—*Jas. Bull*, Charlotte-terrace, Newcut, Blackfriars-road, Surrey, tailor.—*Wm. Humphreys*, Mason-street, Old Kent-rd., Surrey, dealer in timber.—*John Abraham*, sen., Thames-st., Rotherhithe, Surrey, ship joiner.—*Jas. Harcastle*, Claremont-place, Queen's-road, Dalston, commission agent.—*Sarah Suchau*, John-street, Cambridge-heath, Hackney, widow, fan maker.—*Rob. Sinclair*, Waterloo-street, Limehouse, police constable.—*Rendel Childerhouse*, Assembly-row, Brook-street, Clapton, sewer.—*John Gottlieb Anthony*, Suffolk-place, Lower-road, Lillington, merchant.—*Hen. John M'Nally*, Hanwell, attendant at Hanwell Lunatic asylum.—*Harry Henry Baker*, Phil-

lip's-buildings, Wilsted-street, Somers-town, tobacco pipe maker.—*Geo. Allen*, Walworth-place, East-lane, Walworth, horse-dealer.—*Jos. Lander*, Birmingham, out of business.—*Wm. Henry Smith*, Amelia-street, Walworth-road, Surrey, clerk in her Majesty's customs.—*John Green*, White-street, Borough, Surrey, out of business.—*Rob. Mitchell*, St. John's-wood-terrace, Mary-le-bone, gardener.—*Chas. Ross*, Queen's-row, Queen's-terrace, Bayswater, short-hand writer.—*William Henry Cavalier*, Norfolk-street, Cambridge-road, Bethnal-green, cowkeeper.—*J. Holloway*, Cumberland-row, Kennington-green, Kennington, Surrey, out of business.—*Thos. Pittman*, Charlotte-street, Portland-place, attorney at law.

Court-house, HUNTINGDON, (County), July 21 at 10.

*Thos. Ebbutt*, Alconbury, tailor.—*William C. Sharpe*, St. Neotts, chemist.

Court-house, GLOUCESTER, (County), July 21 at 10.

*Rich. Geo. Whatley*, Cheltenham, attorney at law.—*Daniel Poole*, Alveston, blacksmith.—*John Snelus*, Tewkesbury, gardener.—*Chas. Halling*, Tewkesbury, sail maker.—*Wm. Rogers*, Cheltenham, brewer's assistant.—*Jas. Collier*, Cheltenham, out of business.—*Geo. Odland*, Hilsby, near Wootton-under-Edge, shopkeeper.—*Thos. Webb*, Cheltenham, carpenter.—*Geo. Owen*, Langhope, labourer.—*Dan. Arthur*, Stow on the Wold, coal dealer.—*Geo. Godwin*, Tewkesbury, carrier.—*Wm. Townsend*, Tewkesbury, butcher.—*Richd. R. Chandler*, Minchinhampton, chemist.—*Geo. Edmonds*, Darsley, coach proprietor.—*Philip Leacey*, jun., Cheltenham, tailor.—*John Lowe*, Cheltenham, carpenter.—*Jesse Castle*, Cheltenham, carrier.—*Peter Gerrish*, Cambridge, victualler.—*David Garland*, Clevedon, Somersetshire, out of business.—*Charles Lucas*, Cheltenham, builder.—*Chas. Gay*, Cheltenham, teacher of French.—*Rich. Oakley*, Cheltenham, out of business.—*R. Rice*, Gloucester, carrier's clerk.—*Thomas Potter*, Prestbury, near Cheltenham, out of business.

Court-house, GLOUCESTER, (City), July 21 at 10.

*Robert Whitton*, Kimbrose, greengrocer.—*Thos. Mansell*, Gloucester, carpenter.—*Charles Cripps*, Ayleburton, out of business.

Court-house, HORSHAM, Sussex, July 21 at 10.

*J. E. Tobitt*, Kirdford, dealer in hops.—*Wm. Strickland*, St. Leonard's, Hastings, butcher.—*The Rev. Hen. Holloway*, East Dean, clerk.—*Francis H. Farmer*, Preston, private in her Majesty's 4th regiment of Light Dragoons.—*Rich. Holman*, Uckfield, surveyor.—*Thomas A. Mantell*, Lewes, auctioneer.—*J. Ancombe*, Lindfield, carpenter.—*John Gosling*, West Hoathly, victualler.—*Wm. Eldridge*, Watlington, near Battle, carpenter.—*Rich. Wisdom*, Glynde, near Lewes, cordwainer.—*Geo. Philcox*, Battle, clog maker.—*Thomas Collins*, sen., Aldingbourn, near Chichester, superintendent of Aldingbourn-park Farm for the assignees of Thomas Collis, jun.—*Edward Burnand*, Bloxgrove, out of business.—*Wm. Hyde*, Brighton, assistant to an auctioneer.—*James Pultock*, Billingham, near Horsham, fellmonger.—*Ed. C. Streeter*, Brighton, out of business.

Court-house, NORTHAMPTON, (County), July 24 at 10.

*Rich. Hopkins*, Long Buckby, near Daventry, tailor.—*R. Pettifer*, Stoke Bruern, blacksmith.—*Geo. Harris*, Goyton, near Northampton, tailor.

Court-house, BRISTOL, July 25 at 10.

*Isaac Davis*, Bristol, lamp-glass and cotton dealer.—*James Poole*, Bristol, coal merchant.—*John Richards*, Bedminster, out of business.—*John Grant*, Cathay, baker.—*James Poole*, Bristol, tailor.—*Thos. May*, Bristol, butcher.—*Edw. Rankin*, Bristol, attorney at law.—*Hen. Watson*, Bristol, pig dealer.—*Jas. Wm. Chadwick*, jun., Yanley, Long Ashton, Somersetshire, attorney at law.—*Isaac Morgan*, Bristol, carpenter.—*Crispin Hampson*, Bristol, labourer.—*Evan Evans*, jun., Bristol, general dealer.—*Jos. Millett*, St. George's, Gloucestershire, butcher.—*Edw. Pritchard*, Winterborough, Gloucestershire, straw dealer.—*Chas. Cusens*, Bristol, out of business.—*Wm. Pelling*, Bristol, conductor to a hair dresser.—*Bishop Hall*, Bristol, bookseller.—*Hen. Tovey*, Bristol, carriage-lamp manufacturer.—*Geo. Perkins*, Bristol, driver of stage coach.—*Isaac James*, Bedminster, victualler.—*John Board*, Bristol, victualler.—*Geo. Derrick*, Bristol, livery-stable keeper.

Court-house, WARWICK, July 26 at 10.

*Thos. Smith*, Erdington, out of business.—*Jos. Lewis*, sen., Birmingham, horse dealer's assistant.—*J. Hill*, jun., Tewkes-

bury, Gloucestershire, carrier.—*Thomas Cos*, Aston-manoor juxta Birmingham, castor.—*John Tidmarsh*, Long Compton, shoe maker.—*Job Pitt*, Birmingham, japanner.—*Th. Henley*, Birmingham, out of business.—*Jas. Bristow*, jun., Birmingham, out of employment.—*Joseph Whitehouse*, Birmingham, butcher.—*John Freeman*, Kenilworth, victualler.—*William Morris*, West Bromwich, Staffordshire, steam-engine fitter.—*Thos. Smith*, Leamington Priors, coal dealer's clerk.

*Court-house, LANCASTER, (County), July 25 at 10.*

*John Swift*, Ashton, cotton spinner.—*John Foster*, Hulme, Manchester, salesman.—*Wm. A. Preston*, Preston, joiner.—*Abr. Aspden*, Rawtenstall, Haslingdon, out of business.—*John Hayward*, Liverpool, general merchant.—*G. Helme*, Hulme, out of business.—*James Wilson*, Chorlton, victualler.—*David Jones*, Salford, silk dyer.—*Jos. Hill*, Hermes Bottom, warehouseman.—*Rich. Taylor*, Bury, fly maker.—*Ed. Salthouse*, Preston, labourer.—*Jas. Deal*, Liverpool, out of employment.—*Rob. Sutton*, North Meols, near Ormskirk, shoe maker.—*John France*, Pemberton, near Wigan, provision dealer.—*Pet. Dilworth*, Preston, labourer.

*July 26, at the same hour and place.*

*Thos. Crossley*, Bury, provision dealer.—*Geo. Fernworth*, Preston, out of business.—*Thos. Roby*, Smedley, Manchester, in no business.—*Thos. S. Hensman*, Liverpool, victualler.—*Henry P. Crewe*, Blackburn, out of business.—*Wm. Jones*, Salford, dealer in ale.—*John Barlow*, Wigan, shoe maker.—*John Longrigg*, Lancaster, tea and coffee dealer.—*John J. De Costa*, Liverpool, boarding-house keeper.—*W. Wigan*, Wigan, bricklayer.—*John Peters*, Bedford, near Leigh, farmer.—*Jas. Cropper*, Rochdale, hair dresser.—*Wm. Irving*, Seacombe, Liverpool, attorney's clerk.—*John Worden*, Preston, carrier.—*Hen. Worthington*, Ancoats, Manchester, brass founder.—*Jas. Knar*, Chorlton-upon-Medlock, joiner.—*Jas. Walworth*, sen., Lancaster, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Geo. Vincent*, Brighton, Sussex, bookseller: 3s. 1d. in the pound.—*Thos. Lyne*, West Bourn, Sussex, commander in the Royal Navy: 17s. in the pound (including former dividends).—*Hen. Woodthorpe*, Guildhall, London, town clerk: 1s. 3½d. in the pound.—*John Allen*, Downing-street, Westminster, captain in the Royal Navy: 8s. 10d. in the pound (including former dividends).—*S. Popham*, Cleveland-court, St. James's-place, post captain in the Navy: 1-7d. in the pound.—*J. Edwards*, Shrewsbury, mercer: 16s. 1d. in the pound.—*David Fogarty*, Salisbury-square, Fleet-street, tanner: 1s. 0½d. in the pound.—*Hen. Ansell*, Blackfriars-road, clerk in the Custom-house: 5s. 9½d. (being final div., making in all 20s.) in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

*John Fox*, Sandbach, Cheshire, painter, July 7, Ocleeshaw's, Manchester: 1s. 3½d. in the pound.

#### MEETING.

*James Wells*, Gloucester-street, Hackney-road, appraiser, July 20 at 11, Burnell's, Fenchurch-st., sp. aff.

#### FRIDAY, JULY 7.

##### INSOLVENT.

**GEORGE SIMONS**, King-square, Goswell-road, Middlesex, watch manufacturer.

##### BANKRUPTS.

**JAMES YOUNG**, Shirley, Southampton, builder, July 18 at half-past 10, and Aug. 18 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Harfield, Southampton; Cuff, 12, Half-moon-street, Piccadilly.—Fiat dated July 4.

**JAMES WILLIAM SLATER**, Oxford, boot and shoe maker, July 14 at half-past 12, and Aug. 18 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Spencer, Verulam-buildings, Gray's-inn.—Fiat dated June 29.

**WILLIAM FREDERICK MILLS**, Hart-street, Mark-lane, and High Holborn, merchant and gun maker, July 21 at 2, and Aug. 19 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Stevens & Co., 6, Queen-street, Cheapside.—Fiat dated July 6.

**ROBERT STEVENS**, Stewkley, Buckinghamshire, farmer and cattle dealer, July 20 at 2, and Aug. 12 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Burkitt, Carrier's-hall-court.—Fiat dated July 4.

**JAMES RICHARDS**, Oxford-street, livery-stable keeper, July 21 at half-past 1, and Aug. 12 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. P. S. Brisley, 3, Church-yard-court, Temple.—Fiat dated July 4.

**THOMAS MILLER**, Green-street, Leicester-square, baker, July 21 and Aug. 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pike, 26, Old Burlington-street.—Fiat dated July 5.

**JOHN WILLIAM DYER**, Colchester, Essex, plumber, painter, and glazier, July 17 at half-past 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Overton & Hughes, 25, Old Jewry.—Fiat dated July 4.

**WILLIAM BOULTON**, jun., and **WILLIAM FREDERICK PALMER**, Stafford, builders, July 19 and Aug. 11 at half-past 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hiern & Ward, Stafford.—Fiat dated June 24.

**THOMAS PARKER**, **JOHN PARKER**, **JOHN RAWLINSON**, **WILLIAM ABBOTT**, **JOSHUA HANSON**, **JOSEPH BELL**, **THOMAS CHADWICK**, **ABRAM EMSLEY**, **ROBERT KERSHAW**, **JOHN MUSGRAVE**, **JOSEPH WOOLLER**, **THOMAS PULLAN**, **JOHN SHAW**, and **GEORGE EASTBURN**, Woodhouse Carr, Leeds, dyers, July 18 and Aug. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Bond, Leeds.—Fiat dated June 27.

**JOHN HARTLEY**, Height, within the Forest of Pendle, Lancashire, shopkeeper, July 17 and Aug. 4 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Hardacre, Colne; E. and R. W. Bennett, Manchester; Wiglesworth & Co., Gray's-inn-square.—Fiat dated June 26.

#### MEETINGS.

*Rowland Evans*, *John Foster Skinner*, *Zachary Langton*, and *Thos. Foster*, Barge-yard, Bucklersbury, East India merchants, July 18 at 2, Court of Bankruptcy, London, pr. d.—*Thos. Wrigley*, Halifax, Yorkshire, cotton-waste spinner, July 24 at 11, District Court of Bankruptcy, Manchester, last ex.—*Hen. Crabtree* and *John Moore*, Dewsbury, Yorkshire, carpet manufacturers, August 8 at 12, District Court of Bankruptcy, Manchester, last ex.—*Erra Harle*, St. John-street-road, chemist and druggist, July 28 at 1, Court of Bankruptcy, London, and. ac.—*Hen. Cundall*, Little Hadham, Herefordshire, July 28 at half-past 11, Court of Bankruptcy, London, and. ac.—*J. Hawkings*, Lisson-grove, St. Mary-le-bone, upholsterer, July 28 at half-past 11, Court of Bankruptcy, London, and. ac. and div.—*Wm. Penn*, Canterbury, Kent, cabinet maker, July 28 at 12, Court of Bankruptcy, London, and. ac. and div.—*Jas. Johnson*, Manchester, quilting manufacturer, August 1 at 12, District Court of Bankruptcy, Manchester, and. ac.; Aug. 2 at 12, first and fin. div.—*William Cooper*, Belfast, Antrim, Ireland, Manchester warehouseman, July 28 at 12, District Court of Bankruptcy, Manchester, and. ac.; Aug. 1 at 12, fin. div.—*Peter Little*, Blackburn, Lancashire, carrier, July 31 at 11, District Court of Bankruptcy, Manchester, and. ac.; Aug. 2 at 11, div.—*Thos. Gundry* and *John Gundry*, Goldsithney, Cornwall, merchants, Aug. 1 at 12, District Court of Bankruptcy, Exeter, and. ac.—*John Young*, Newport, Monmouthshire, ship builder, Aug. 2 at 11, District Court of Bankruptcy, Bristol, and. ac.; Aug. 8 at 11, div.—*Edw. Wilkins*, Swansea, Glamorganshire, linen draper, Aug. 2 at 12, District Court of Bankruptcy, Bristol, and. ac.; Aug. 8 at 1, fin. div.—*Rob. Biggs*, Bath, Somersetshire, chemist, July 28 at 2, District Court of Bankruptcy, Bristol, and. ac.; July 31 at 2, first and fin. div.—*Thos. Caldicott*, Newport, Monmouthshire, grocer, July 28 at half-past 2, District Court of Bankruptcy, Bristol, and. ac.—*J. Wicks*, Trowbridge, Wiltshire, and Hawkeridge, Westbury, clothier, July 28 at half-past 1, District Court of Bankruptcy, Bristol, and. ac.—*T. Thompson*, Hambleton, Lancashire, tanner, Aug. 1 at half-past 12, District Court of Bankruptcy, Liverpool, and. ac.; Aug. 4 at half-past 12, div.—*John Anderson* and *William Garrow*, Liverpool, merchants, Aug. 1 at 12, District Court of Bankruptcy, Liverpool, and. ac.; Aug. 4 at 11, div. sep. est. *John Anderson*.—*John Clark*, Huttoft, Lincolnshire, cotton winder, Aug. 2 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 4 at 11, first and fin. div.—*Thos. Goodwin* and *William Henry Griffin*, Heanor, Derbyshire, lime burners, July 28 at 1, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. Ellis*, Portsea, Southampton, timber merchant, July 28 at half-past 1, Court of Bankruptcy, London, div.—*Jas. Hop-*

*kin and J. Drewitt, Arundel, Sussex, bankers, July 28 at half-past 12, Court of Bankruptcy, London, div.—Rob. Roberts, Gower-street North, St. Pancras, wine merchant, July 28 at half-past 1, Court of Bankruptcy, London, div.—Jas. Ellis, Calcutta, Bengal, merchant, July 27 at 1, Court of Bankruptcy, London, div.—Sam. Wm. Sustenance, Piccadilly, and Robert-street, Chelsea, bookseller, July 26 at 2, Court of Bankruptcy, London, fin. div.—Jos. Tull, Nine-elms, Surrey, brewer, July 26 at half-past 12, Court of Bankruptcy, London, fin. div.—Sam. Hopkins, Croydon, Surrey, grocer, July 26 at half-past 1, Court of Bankruptcy, London, fin. div.—Wm. Biddle, Holborn hill, fishmonger, July 26 at 1, Court of Bankruptcy, London, fin. div.—Thos. Hartley, Liverpool, butter, July 31 at 12, District Court of Bankruptcy, Liverpool, div.—Wm. Sellar Guest, Chester, tanner, July 31 at 1, District Court of Bankruptcy, Lancaster, div.—John Spivey, Lepton, Kirkbeaston, Yorkshire, provision dealer, Aug. 3 at 11, District Court of Bankruptcy, Leeds, div.*

## CERTIFICATES

*It is allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Henry Cundall, Little Hadham, Hertfordshire, innkeeper, July 28 at half-past 11, Court of Bankruptcy, London.—Hen. Howell, Charles-st., Manchester-sq., merchant, Aug. 3 at 12, Court of Bankruptcy, London.—Francis Szarka and George Szarka, New Bond-street, furriers, Aug. 3 at 3, Court of Bankruptcy, London.—Jabez Vines, Battersea, Surrey, miller, Aug. 3 at 2, Court of Bankruptcy, London.—William D. Treadwell, Little Russell-street, Covent-garden, pawnbroker, July 31 at half-past 3, Court of Bankruptcy, London.—Chas. Alasia, Conduit-street, Hanover-square, upholsterer, Aug. 1 at 12, Court of Bankruptcy, London.—John S. Tolson, Huddersfield, Yorkshire, fancy-cloth manufacturer, July 29 at 10, District Court of Bankruptcy, Leeds.—John Ogden Burnley, Heckmondwike, Birstal, Yorkshire, corn miller, Aug. 2 at 11, District Court of Bankruptcy, Leeds.—Amos Procter, Kingston-upon-Hull, July 29 at 11, District Court of Bankruptcy, Leeds.—Edward Jenkins, Leominster, Herefordshire, tailor, Aug. 3 at 12, District Court of Bankruptcy, Birmingham.—Thos. Goodwin and Wm. H. Griffin, Looe, Devon, lime burners, July 28 at 1, District Court of Bankruptcy, Birmingham.—John Tattersall, Old Lyons, Over Darwen, Lancashire, coal dealer, Aug. 18 at 12, District Court of Bankruptcy, Manchester.*

*It is allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before July 28.*

*John Hawkings, Liason-grove, St. Mary-le-bone, upholsterer.—Asth. Merga, Nantwich, Cheshire, watch maker.—Wm. Morris, Brighouse, Halifax, Yorkshire, wire drawer.—Jas. Hunsayden, Cambridge, ironmonger.—Henry Lonsdale, Sheffield, Yorkshire, grocer.—N. Emmerson, Bishop Auckland, Durham, mercer.—John Norman, Wadebridge, Cornwall, grocer.—Alex. S. Graham, Oldham, Lancashire, contractors for public works.—John Kennedy, Llanhilleth, Monmouthshire, iron manufacturer.—John W. Showell, Birmingham, bookseller.—James Kelly and John Kelly, Rochdale, Lancashire, joiners.—R. Collinson, Oxford-st., upholsterers.—Ralph Wharton, Nottingham, engineer.—Frederick John Manning, Dyer's-buildings, London, money scrivener.—Peter Tapp, Tooley-st., Southwark, slopseller.*

## FIAT ANNULLED.

*Geo. Jas. Marshall, Wood-street, Cheapside, woollen ware-houseman.*

## PARTNERSHIP DISSOLVED.

*Robert Cruickshank and Joak Bates Wakefield, Gosport, Southampton, attorneys and solicitors.*

## SCOTCH SEQUESTERATIONS.

*Chas. Finlay, Perth, tailor.—Wm. Lyall & Son, Paisley, grocers.—Geo. Heather & Co., Edinburgh, timber merchants.*

## DECLARATIONS OF INSOLVENCY.

*Jeremiah Clayton, Cawood, Yorkshire, waterman.  
John Wm. Glanvill, Queen-street, Brompton, philosophical instrument maker.  
Sam. Fred. Dimond, Clifton, Bristol, butcher.  
Jas. C. Bennett, Holly-street, Dalston, out of business.  
Thos. Pettifer, Oxford, alater.  
Ed. Hugh Gardiner, Hastings-street, Burton-crescent, out of business.*

*John Bradford, Kingsbridge, Devonshire, excise officer.  
John Heaton Naylor, Heckmondwike, Birstal, Yorkshire, clothier.  
Thos. Allatt, Heckmondwike, Birstal, Yorkshire, whitesmith.  
Jas. Baron, Butterworth, Rochdale, Lancashire, farmer.  
Thos. Harold, West-place, Islington-green, builder.  
Robt. Williamson, Stockport Great-moor, Stockport, Cheshire, out of business.  
Benj. Burnley, Low-nook, Batley, Yorkshire, clothier.  
Wm. Lee, Carlinghow, Batley, Yorkshire, clothier.  
Jas. Pearson, Liverpool, draper's assistant.  
Wm. Harrison, Wolverhampton, Staffordshire, horse breaker.  
Wm. Winsor, Basing-lane, Aldermanbury, attorney's clerk.  
Thos. K. Clay, Holborn-hill, steel-pan manufacturer.  
Henry Penberthy, Helston, Cornwall, builder.  
Jas. Fred. Arnold, Cardiff, Glamorganshire, printer.  
Wm. Cottrill, Camp-hill, Aston, Warwickshire, file maker.  
Rees Price, Sutterby's Coffee-house, Great Surrey-street, Surrey, out of business.*

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, July 31 at 9.*

*John Cochran, Wandsworth-plain, Wandsworth, omnibus driver.—Wm. Bennisson, Gerrard-st., Soho, tailor.—Thomas Collins, Great College-street North, Camden-town, print-seller.—Wm. Donae, Lombard-street, Fleet-street, carpenter.—Sam. Gibson, Whiskin-street, Clerkenwell, tailor.—James Hudson, Addington-square, Camberwell, merchant.—John Yardley, St. Andrew's-road, Newington, Surrey, out of business.—William Smith, St. John's-lane, Clerkenwell, book-binder.—Geo. Wakeford, East-road, City-road, green-grocer.—G. Appleton, Hertford-place, Haggerstone, cab proprietor.—M. Corri, Monmouth-place, Surrey-square, Walworth, musical composer.—Thos. Potter, Falcon-street, Aldersgate-st., and Low Habberley, Kidderminster, clerk to a carpet manufacturer.—John Root, James-st., Green-st., Bethnal-green, carman.—Jas. Bigge, Lewisham, Kent, carpenter.—J. Cobb, Commercial-terrace, Commercial-road, Limehouse, livery-stable keeper.—M. Harrington, Trinity-street, Lower Rotherhithe, Surrey, labourer.—Thos. Marshall, Park-place, Kennington-cross, Surrey, builder.—E. Phillips, Little Corn-st., Brunswick-square, marine-store dealer.—Jas. Palmer, Suffolk-street, Cambridge-road, Mile-end, carpenter.—E. Duke, Park-cottage, Highbury-park, Islington, milkman.*

*Court-house, BURY ST. EDMUNDS, Suffolk, July 19 at 10.*

*Dan. Cooper, Drinkstone, farmer.*

*Court-house, BATH, July 28 at 10.*

*Jas. Andrews, Bath, auctioneer's porter.—Thomas Blake, Bath, grocer.—Israel Clothier, Bath, painter.—W. Mulvey, Bath, ironmonger.—Thos. Newth, Tunley, Somersetshire, carter.—Wm. R. Gardner, Prospect-place, Somersetshire, broker.—Jas. Ridewood, Bath, mason.—F. Cannings, Bath, gardener.—Chas. Blatchly, Bath, out of business.—Charles T. Chivers, Bath, out of business.*

*Court-house, TAUNTON, Somersetshire, July 31 at 10.*

*John Brown, Milborne-port, sail-cloth manufacturer.—T. Stevens, North Curry, wheelwright.—M. Trask, Yeovil, hair-dresser.—J. Rich. Bishop, Bridgwater, grocer.—H. Vining, Sutton Monks, lime burner.—Ed. Perreiff, Road, beer seller.—Jas. Gerard, Bridgwater, miller.—Chas. Bowering, Bridgwater, saddler.—E. Phillips, East Penard, farmer.—Robert Encoe, Bath, custom-house officer.—J. T. Bucknell, Spring-st., Paddington, Middlesex, grocer.—Benj. Morgan, Tiverton, out of business.—Jos. Bartlett, Bath, shoemaker.*

*Court-house, COVENTRY, (City), July 29 at 10.*

*Wm. Milligan, Coventry, traveller.—Peter Bailey, Rugby, out of business.—Henry Wakefield, Bedworth, Warwickshire, dealer in coal.*

*Court-house, LEICESTER, (County), July 31 at 10.*

*Ed. Hooks, Anstey, farmer.—Wm. Williamson, Hinckley, victualler.—Geo. Holloway, Leicester, carpenter.—William Sperry, Harrow Toll-gate, labourer.—John Noble, Leicester, furrier.—Geo. Cooper, Duntan Bossett, farmer.—Arthur K. Eames, Leicester, out of business.—Robert Barnes, jun., Brantson, out of business.—William Hestall, Nailstone, labourer.—Chas. Bodycot, Leicester, framework knitter.—Wm. Greasley, Smeeton Westerby, miller.*

*Adjourned.*

*Jos. Woolston, Sialby, near Loughborough, flour-seller.*

**Court-house, PRESTON, Lancashire, July 29 at 10.**

*John Newton*, Preston, gardener.—*Thomas Shaw*, Preston, publican.—*Jas. Eccles*, Preston, tailor.—*Jos. Kay*, Preston, labourer.

**Court-house, LIVERPOOL, Lancashire, July 31 at 10.**

*Edward Lunt*, Liverpool, bricklayer.—*James Ockleshaw*, Liverpool, labourer.—*Frederick Berne*, Liverpool, butcher.—*Charles Martin*, Liverpool, cooper.—*Wm. Cubbin*, Liverpool, boarding-house keeper.—*John Shand*, Liverpool, publican.—*Charles Broom*, Liverpool, carter.—*Thomas Woodroffe*, Liverpool, lodging-house keeper.—*Thos. Baldwin*, Liverpool, labourer.—*Peter Cross*, Liverpool, shoemaker.—*J. P. Nice*, Liverpool, out of business.—*T. Meadows*, Liverpool, commission agent.—*T. Pacey*, Liverpool, butcher.—*F. Scallion*, Liverpool, locker in the Customs.—*Wm. Williams*, Liverpool, out of business.—*Thomas Wade*, Liverpool, out of business.—*James Robertson*, Liverpool, eating-house keeper.—*Tyrrell Hanley*, Liverpool, stationer.—*R. Disley*, Liverpool, smith's striker.—*John Morton*, Liverpool, blacksmith.—*Wm. Armstrong*, Liverpool, tailor.—*Thos. Oswald*, Liverpool, dealer in smallwares.—*John McCann*, Liverpool, out of business.—*J. Wiseman*, Liverpool, boatman.—*Geo. Blake Horridge*, Liverpool, printer.—*John Carroll*, Liverpool, out of business.—*Jos. Hill*, Liverpool, out of business.—*Thos. Mottram*, Liverpool, blacksmith.—*Hen. Jacob King*, Liverpool, lodging-house keeper.—*John Shaw*, Liverpool, plasterer.—*Thomas Archdale*, Liverpool, provision dealer.—*George Christian*, Liverpool, mathematical instrument maker.—*Rebecca Cardwell*, Liverpool, out of business.—*Jos. Harrison*, Liverpool, joiner.—*Wm. Hughes*, Liverpool, green grocer.—*Wm. Baker*, Liverpool, merchant's clerk.—*Geo. Stanley*, Liverpool, watch maker.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Thos. Noad*, Bristol, saddler, Hinton's, Bristol: 2s. 1d. in the pound.—*Hen. Gaskins*, Cleve-hill, Bishops Cleeve, Gloucestershire, hallier, Lediard's, Cirencester: 7s. 3d. in the pound.

**MASTERS IN CHANCERY.**—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—*George Marshall*, of Plymouth; *William Thorne*, of Wolverhampton; *Charles Morton Ricketts* Chamberlain, of Worcester; *William Edwood Smith*, of Doncaster; *Charles Frederick Sparrow*, of Wolverhampton; *John Broughall*, of Oswestry, Shropshire; *Jeremiah Walter Lloyd*, of Carmarthen.

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# The Jurist

No. 340.

LONDON, JULY 15, 1843.

PRICE 1s.

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LONDON, JULY 15, 1843.

Was the decision in *Protheroe v. May* (5 Mee. & W. 65) pronounced, it excited considerable surprise in the Profession; and we believe we are justified in making the assertion, that it has not met with unqualified approbation,—an assertion which is indirectly confirmed, by the extremely guarded manner in which that case has been lately referred to, in an opinion emanating from counsel of the greatest eminence, and publicly put forth by a company.

The case of *Protheroe v. May* was a case sent by the Court of Chancery to the Court of Exchequer for their opinion; and the questions put to the Judges were as follows\* :—

1. Has the grant of the first-mentioned exclusive license to the said P. P. and J. G. invalidated the letters patent of itself, without reference to the subsequent facts?
2. Has the assignment to and vesting of the first-mentioned license in the said partnership of more than twelve persons, invalidated the letters patent of itself, and without reference to the other facts stated?
3. Has the grant of the twelve last-mentioned exclusive licenses, or any and which of them, invalidated the said letters patent?
4. If the third question should be answered in the negative, would the result be the same, if the last of the twelve licenses had been granted to a less number than twelve persons?
5. If all the grantees of all the licenses were to coalesce and become jointly interested in such licenses, would the letters patent be thereby invalidated, if not otherwise invalidated?

\* The case is too long for insertion here; but the point involved in it was, whether an exclusive license to use a patent extending over the whole district covered by the patent, would avoid the patent if granted to more than twelve persons.

6. Would the letters patent, if not otherwise invalidated, have been so, if the districts covered by the license had included the whole of England, Wales, Berwick-upon-Tweed, and the Colonies?

The case was scarcely argued at all, and the court sent a unanimous certificate, answering all the questions, except the fourth, in the negative. The doctrine therefore goes this length, that an exclusive license to use a patent granted to more than twelve persons, and extending over the whole of the district covered by the patent, is good, and does not avoid the patent.

If this is the true doctrine, it puts an end of course substantially to the clause in Letters Patent, which avoids them, "if the Letters Patent, or the liberties and privileges thereby granted, shall become vested in or in trust for more than the number of twelve persons, or their representatives, at any one time, as partners dividing or entitled to divide the benefits or profits obtained by reason of the Letters Patent," making the validity of a transaction for clothing a partnership of more than twelve with the beneficial interest in a patent, depend purely on the form of the instrument by which the transaction is effected.

That result alone would afford, it might be thought, a powerful argument against holding such exclusive licenses to be good; but proceeding upon technical reasoning, (the only reasoning on which it can be attempted to support *Protheroe v. May*), and upon the very words of the proviso, we submit to the learned reader, that it is most difficult to see on what grounds an exclusive license to use the whole patent for the whole term, and over the entire district covered by the patent, has been held not to fall within the proviso.

It is to be inferred from Mr. Baron Parke's question, "whether it was contended that the license was to be considered as part of the patent," that his Lordship considered the patent as something capable of subsisting in its entire integrity in A. although an interest

should have been carved out of it by the grant of a license to B. In other words, we must infer, that his Lordship considered the patent as an interest or estate, and the license as a mere franchise. Even on this reasoning, which would proceed on the ground of likening a patent to a term of years, one does not understand readily how a license, commensurate with the whole interest of the patentee, is, in reference to a patent, to be distinguished from an underlease, in respect to a term, for the whole of the remainder of the term. It is clear, that, in regard to a leasehold interest, such an underlease would be an assignment. But we must recollect, that, although the right conferred by Letters Patent has some similarity to an interest for a term of years, such similarity does not extend much beyond the character of the interest in respect of its *duration*; for Letters Patent are really no more than a *license* from the Crown; they do not purport to vest in the grantee any *estate or property* either in the invention or in the Letters Patent, (except in so far as they may vest in him the property of the parchment and seal as a chattel), but they purport merely to grant him a *power*. The words of the grant are, "our especial license, full power, sole privilege and authority, that he, the grantee, his executors, administrators, and assigns, and no others, shall make, use, exercise, and vend his invention." It is to be observed also, that, looking to the effect intended to be produced, the wording of Letters Patent is rather singular; because the granting part really grants nothing that the grantee would not have without the grant. The grant to him is of the privilege of making and using his own invention, a privilege which he clearly has at common law, without any grant from the crown. The really operative words which give the only valuable right, viz. an *exclusive privilege*, are the words "and no others." In fact, the Letters Patent operate in reality not by way of grant to the patentee to do anything which he might not do before, but by way of restriction on the rest of the Queen's subjects, restricting them from doing what without the Letters Patent, they might lawfully do as well as the patentee. At the most then we contend that Letters Patent confer a *power*, and not any *legal estate*, strictly speaking, in anything, except in the parchment of the Letters Patent. This view is indeed supported by the practice of conveyancers in assignments of Letters Patent, the form of which differs materially from that of an assignment of any personal property in which there is distinctly and strictly an *estate*, as for instance, leasehold premises. In assigning leasehold premises, the land, or house, or other premises constituting the subject-matter of the estate for years, are assigned, and the estate of the assignor is assigned; and it is this assignment which passes the interest. The indenture of lease is, it is true, assigned also, not however for the purpose of passing any estate, but merely as a muniment or evidence of title. But in an assignment of a patent it is otherwise. There the operative words of the assignment never purport to pass any *estate* in anything; they are so framed as to pass the Letters Patent, that is, the instrument of grant and the property therein, and the *license, powers, and privileges* thereby granted, which shews that though the assignment of patents is of every day's practice, no idea has ever been entertained that any *estate*,

except the chattel interest in the parchment, passes by such assignment. If this be so, then an assignment of such Letters Patent is really nothing but an assignment of a *power*; and assuming that there could be a legal difference between an *assignment* of a man's *estate*, and a *license to use and enjoy his estate for the whole term therein of the grantor*, what legal difference can there be between an assignment of a *power*, and a license that the grantor shall exercise that power as fully and exclusively as the original donee could have exercised it? Is not in such a case the privilege conferred by the license commensurate in all respects, and identical with the privilege conferred by the patent? Is not the former so merged in the latter as to lose all separate existence, and to render the license legally as well as practically an assignment of all the subject-matter of the Letters Patent?

But supposing that an exclusive license to use a patent is no part of the patent. Let us examine whether the transaction falls necessarily within the terms of the proviso in the patent.—Inasmuch as the license is co-extensive in duration with the patent, its very terms exclude the idea of a reversion in the patentee, subject to a legal term in the licentiate. There seems, therefore, no escape, if we adopt the distinction of Mr. Baron Parke, from the adoption of this as the legal consequence, that the patentee retains an interest, in the nature of a legal estate, and the licentiate becomes the cestui que trust. The patentee has clearly no beneficial interest in the patent or its privileges; these he has parted with either for a sum of money, or for a payment, in the nature, not of a rent, for a rent implies a reversion, but of a rent-charge. He may have a charge on the estate in the patent, (if there be indeed an *estate* in a patent), but he has clearly no beneficial estate in the patent. If, therefore, he has anything, it is a mere legal interest; and that, in trust for the parties to whom he has by his license granted all the benefit of the Letters Patent, and full power to use all the privileges granted thereby as fully as he could have used them. If this be the relation of the patentee and the licentiate, how is it possible to deny that, when there are more than twelve, either the Letters Patent, or the liberties and privileges thereby granted, are vested in or in trust for more than twelve persons? If the estate in the Letters Patent remains in the patentee as a mere legal estate, then the *Letters Patent* are held in trust for more than twelve persons. If that idea be discarded, then at least the *liberties and privileges* thereby granted are vested in or in trust for more than twelve persons. For they must be either in the patentee or in the licentiates; and as it must be at least admitted that the patentee retains no beneficial interest in the *liberties and privileges*, if he holds them at all, he must do so in trust for the licentiates. But if we recollect that the liberties and privileges granted by the Letters Patent, are the exclusive right to *make, use, and vend* the invention; and that by the very terms of an exclusive license, the patentee grants the exclusive right to *make, use, and vend*, denuding himself, as well as all the rest of the world of such right, it is perfectly manifest, that, in fact and in law, it is clear that he has parted with all interest in the liberties and privileges granted by the patent, and that they are vested (so far as there can be

any *vesting* at all of such privileges) in the licentiatees for their own benefit. Therefore we submit, that, in this way also of viewing the case, if the licentiatees exceed the number of twelve as partners &c., they come within the direct operation of the proviso in the patent.

For the reasons above given, we submit to our readers on the whole, that the case of *Protheroe v. May* is open to much objection; and that, until it shall have received some further confirmation, after solemn argument of the point involved in it, it will be prudent, wherever the circumstances of the case at all permit it, to avoid acting upon its authority.

#### ON THE FORM OF THE ORDINARY LIMITATIONS TO BAR DOWER.

IN THE JURIST of the 24th ultimo, some observations are contained, addressed to us by a learned correspondent, on the subject of the usual limitations to bar dower. The reasoning of our learned correspondent would, as it appears to us, deserve considerable attention, if the question were unprejudiced by authority, direct or indirect. We do not however ourselves concur in it, even upon principle; but supposing that, upon a subject of such extremely artificial reasoning as that of contingent remainders, the view hitherto taken by the profession is upon principle erroneous, were the question *res integra*, we contend, that it is so far concluded by authority, and strengthened by the practice of conveyancers, that the limitations in question would be supported by the courts, should they be brought before them\*. It is true, that where the limitation is to A. for life, and from and after the determination of that estate in A.'s lifetime, to B. and his heirs, for the life of A., the remainder to B. depends on the happening of an event which may never happen. But this species of uncertainty is not the uncertainty which constitutes the true test of a contingent remainder; for it is merely the uncertainty of the remainder taking effect in possession, and not that uncertainty which is the true test of legal contingency, viz. the uncertainty whether, if the possession becomes vacant, the remainder will be capable of instantly taking effect. Let us take the common case put by Willes, C. J., in the case referred to by our learned correspondent, (*Parckhurst v. Smith*, in Dom. Proc., Willes, 337), of an estate to A. for life, remainder to B. and the heirs of his body. No one doubts that the remainder to B. and the heirs of his body is vested, yet it is clearly, in a sense, a remainder, dependent for its taking effect, on an event which may never happen, viz. the event of B. being living or leaving issue living at the death of A.; an event which may never happen, since B. may die with issue, living A. But try either of the sets of limitations under consideration, by what, adopting Mr. Fearn's doctrine, is, we contend, to be considered the true test of what is a vested and what a contingent remainder†; and we apprehend that,

\* We have received some communications on the subject of the observations on which we are about to comment, in which the writers appear to labour under the mistake of supposing, that the views put forth by our correspondent were inserted by us inadvertently; we beg to say that they were inserted by us quite intentionally; and that though we ourselves differ with the learned writer, yet it consists with our knowledge to say, that at least one gentleman of great experience at the conveyancing bar participates in his views.

† It is not the uncertainty of ever taking effect in possession that makes a remainder contingent; for to that, every remainder for life or in tail is and must be liable, as the remainderman may die, or die without issue before the death of the tenant for life. The present capacity of taking effect in possession if the possession were to become vacant, and not the certainty

applying that test, the limitation to the trustee to bar dower will be found vested, on the principles of legal reasoning. Limitation to A. for life; and after the determination of that estate by any means in his lifetime, to B. and his heirs for the life of A. Here the limitation in its creation provides for the commencement of the remainder, upon a special determination of the particular estate; and though that determination may never happen, yet whenever it does happen, the remainder is ready to take effect in possession by the very terms of the limitation. Again, let us negatively try the limitation to the trustee by the test of C. J. Willes' definition of the second kind of contingent remainder; when "the commencement of the remainder depends on some matter collateral to the determination of the particular estate." Now if an estate be, for instance, to A. in tail, and if B. come to Westminster on a particular day, remainder to B. in fee, (*Fearne*, 8); here the remainder to B. is contingent, not because B. may not come to Westminster, but because his coming to Westminster, which is the event on which the remainder is limited, is collateral to and wholly independent of the determination of the preceding estate. The uncertainty that here constitutes the contingency, is the uncertainty whether, at the time the particular estate determines, the remainder will be ready to take effect. But in the limitation to bar dower, the commencement of the remainder to the trustee is not collateral to the determination of the preceding estate. On the contrary, it is limited by the very terms of the limitation to a person in esse, and to commence at and by the force of the determination of the preceding estate. The happening of that particular event which determines the particular estate, is the only event on which the commencement of the remainder depends. Consequently it is excluded from the definition of contingency to which C. J. Willes in his observations in *Parckhurst v. Smith* alludes.

Next, with regard to the effect of the decisions on this question: It is not denied that the case of *Duncomb v. Duncomb* (3 Lev. 437) has fully settled this point,—that if there be a limitation to A. for life, remainder to B. and his heirs for the life of A., the remainder to B. is a vested remainder. Now, it is true, that, in the limitations in *Duncomb v. Duncomb*, the actual words "by any means during A.'s lifetime" are not introduced after the limitation of the life estate of A. But, inasmuch as a remainder to B. for the life of A., after a life estate to A., would be, as Mr. Fearne observes, (p. 217), *absolutely void*, were it not for the possibility of its taking effect by the forfeiture or surrender of A., the decision in *Duncomb v. Duncomb* would be nonsense, unless it be understood as importing into the limitations, after the limitation to A., the words "by any means during the life of A.," and as deciding, having so imported those words, that such a limitation in remainder is vested.

The very point is also expressly put by Lord Chief Justice Lee arguendo in the case above referred to, *Smith d. Dormer v. Parckhurst*. The passage, as cited by Mr. Fearne (p. 219), is as follows:—"As a lease to A. for life, remainder to another during the life of A., this is good, because, by possibility, the remainder may take effect, by the tenant for life's alienating or committing a forfeiture; this possibility is therefore considered as an interest in the grantor, which he may limit, and is that sort of interest which the trustees have for preserving contingent uses, and is not a mere right of entry nor a contingent remainder, but a vested estate, to take effect by those ways and methods of determination to which the particular estate was subject when it was created."

On this, Mr. Fearne observes,—"This passage goes

that the possession will become vacant before the estate limited in remainder determines, universally distinguishes a vested remainder from one that is contingent. (*Fearne*, 216, 9th ed.).



directly to the very point, and is conclusive. It expressly states the very case, and affirms, that such remainder is not a contingent but a vested estate, to prove which several authorities are there cited."

In this observation we fully concur; and we conclude on the whole, that, if in our argument in support of the efficacy of the limitations to bar dower on principle, we are wrong, the cases referred to have in fact decided the very point under discussion; and that, adding to their effect, the weight of the long and unquestioned practice of conveyancers, it would be a hazardous experiment for a purchaser to object to a title, on the ground of any defect dependent on the effect of the limitation which we have discussed.

### London Gazette.

TUESDAY, JULY 11.

#### BANKRUPTCY.

**CHARLES HENRY GRIFFITHS**, Enfield, Middlesex, draper and clothier, July 19 at 2, and Aug. 18 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Shearman & Slater, 23, Great Tower-st.—Fiat dated July 8.

**GEORGE GANDELL and JAMES BROOKSBANK HIGGS**, Charlotte-row, Mansion-house, London, bill brokers, July 19 at 11, and Aug. 11 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Tilleard & Son, Old Jewry.—Fiat dated July 8.

**THOMAS COLEMAN**, Turf Hotel, St. Alban's, Hertfordshire, licensed victualler, July 24 at 11, and Aug. 18 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Parry, Baldwin-court, Cloak-lane.—Fiat dated July 7.

**SAMUEL BILLINGSLEY**, jun., Harwich, Essex, merchant, ship owner, and ship agent, July 20 and Aug. 18 at 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Philbrick, Colchester; Chilton & Acland, 7, Chancery-lane.—Fiat dated July 1.

**THOMAS SLAGG**, Manchester, merchant and commission agent, July 26 at 11, and Aug. 16 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Atkinson & Saunders, Manchester; Makinson & Sanders, 3, Elm-court, Middle Temple.—Fiat dated July 5.

**JOHN WOOD**, Manchester, baker and flour dealer, July 24 and Aug. 11 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Barratt, jun., Manchester; Bower & Back, Chancery-lane.—Fiat dated July 6.

**BENJAMIN DORRAL**, Iron-bridge, Madeley, Shropshire, mercer, draper, and tailor, July 22 and Aug. 16 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Potts, Iron-bridge, Shropshire.—Fiat dated July 7.

**WILLIAM EAST**, Spalding, Lincolnshire, builder, July 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Carter & Son, Spalding; R. W. Gem & Son, Birmingham.—Fiat dated Oct. 11, 1842.

#### MEETINGS.

*John Dent*, Burnley, Lancashire, grocer, July 28 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Scott*, Preston, Lancashire, draper, July 26 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*John Darcy* and *Richard Dierden*, Sutton, Lancashire, alkali manufacturers, Aug. 7 at 12, District Court of Bankruptcy, Liverpool, last ex.—*John Whitaker*, Newchurch, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, Aug. 2 at half-past 12, District Court of Bankruptcy, Manchester, last ex.—*Howard Hall*, Church-street, Fulham, pawnbroker, Aug. 1 at 1, Court of Bankruptcy, London, aud. ac. and div.—*John Oliver* and *John York*, Stony Stratford, Buckinghamshire, bankers, Aug. 3 at half-past 11, Court of Bankruptcy, London, aud. ac. and div. joint and sep. est.—*James Bottomley*, Delph, within Saddleworth, Yorkshire, woollen manufacturer, Aug. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Aug. 5 at 12, div.—*Thos. Dickson*, Thirak, Yorkshire, linen draper, Aug. 7 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Aug. 9 at 11, div.—*John Wm. Wood*, *Jos. Wood*, *Sam. Wood*, *George Wood*, and *Joshua Wood*, Mill-bridge, Liversedge, Birstall, Yorkshire, machine makers, Aug.

11 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Aug. 14 at 11, div.—*John Thos. Nash* and *John Tomlinson*, jun., York, mustard manufacturers, Aug. 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Aug. 8 at 11, div.—*Timothy Bourne*, Liverpool, cotton broker, Aug. 2 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 4 at 1, div.—*Henry Lewis*, Haverfordwest, upholsterer and auctioneer, Aug. 17 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Rob. Lamb*, Stockton, Durham, iron merchant, Aug. 2 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Henry Elvins*, Warwick, innkeeper, Aug. 8 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 8 at 11, div.—*John W. Showell*, Birmingham, bookseller, Aug. 2 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 3 at 12, div.—*James Vardy*, Wolverhampton, Staffordshire, brass founder, Aug. 2 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Aug. 3 at half-past 11, div.—*Jas. Tomlin* and *Wm. Man*, St. Michael's-alley, Cornhill, London, merchants, Aug. 1 at 12, Court of Bankruptcy, London, div.—*Richard Gibson*, Great Surrey-street, Southwark, Surrey, grocer, Aug. 1 at half-past 12, Court of Bankruptcy, London, div.—*Wm. Andrew Dyer*, Cooper's-row, Tower-hill, London, wine merchant, Aug. 1 at half-past 12, Court of Bankruptcy, London, div.—*K. F. H. Mackenzie*, King's Arms-yard, Coleman-street, London, merchant, Aug. 1 at half-past 11, Court of Bankruptcy, London, fin. div.—*Thomas Coke Johns*, Red Lion-court, Fleet-street, London, printer, Aug. 3 at 1, Court of Bankruptcy, London, fin. div.—*Francis Carey*, Nottingham, hatter, July 21 at 12, Court of Bankruptcy, London, div.—*Wm. Russell*, Kingston-upon-Thames, Surrey, innkeeper, July 31 at 3, Court of Bankruptcy, London, div.—*Wm. Jones*, Park, near Cardiff, Glamorganshire, ship builder, Aug. 4 at 11, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Edmunds Collings*, Southampton, perfumer, Aug. 3 at 11, Court of Bankruptcy, London.—*John Shaw*, Seymour-place, Camden-town, builder, Aug. 1 at 1, Court of Bankruptcy, London.—*George Flowers*, Manchester-house, Holloway, auctioneer, Aug. 1 at half-past 1, Court of Bankruptcy, London.—*Nath. West Corp*, Yarmouth, Norfolk, merchant, Aug. 8 at 1, Court of Bankruptcy, London.—*Philip Speyer* and *Joseph Schubach*, High Holborn, tailors, Aug. 1 at 12, Court of Bankruptcy, London.—*Edward Turmaine*, Canterbury, porter and ale merchant, Aug. 1 at half-past 11, Court of Bankruptcy, London.—*Sam. Quickfall*, Newcastle-upon-Tyne, draper, Aug. 1 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Stephen Thomas*, York, victualler, Aug. 4 at 11, District Court of Bankruptcy, Leeds.—*Joseph N. Ryalls*, Sheffield, and *Elsicar*, Yorkshire, vessel owner, Aug. 5 at 11, District Court of Bankruptcy, Leeds.—*Frederick Singleton*, Liverpool, merchant, Aug. 2 at 1, District Court of Bankruptcy, Liverpool.—*Henry Conn*, Truro and Gwennap, Cornwall, arsenic manufacturer, Aug. 3 at 11, District Court of Bankruptcy, Exeter.—*Henry Elvins*, Warwick, grocer, Aug. 4 at 11, District Court of Bankruptcy, Birmingham.—*Jesse Prime*, Newcastle-under-Lyme, Staffordshire, maltster, Aug. 11 at 11, District Court of Bankruptcy, Birmingham.—*Richard Pitt*, jun., Westbromwich, Staffordshire, hatter, Aug. 2 at half-past 12, District Court of Bankruptcy, Birmingham.—*J. Spencer*, Alford, Lincolnshire, gas manufacturer, Aug. 3 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 1.*

*John Deakin*, Dawley, Shropshire, grocer.—*Thos. Eardley*, Newcastle-under-Lyme, Staffordshire, hat manufacturer.—*D. K. Price*, Pilgrim-street, Ludgate-hill, London, warehouseman.—*Thomas Byre*, Gainsborough, Lincolnshire, corn merchant.—*Thomas Herridge*, Upper Wharton-st., Clerkenwell, builder.—*Henry Budd*, Birmingham, tobacco merchant.—*T. Rolph*, New Bridge-st., London, merchant.—*John Spirey*, Lepton, Kirkheaton, Yorkshire, provision dealer.—*Jas. Harrington* and *Wm. Pattinson*, Woodbank, Cumberland, calico printers.—*Wm. Borton*, Kirby Misperton, Yorkshire, banker.—*J. W. Cullis*, Clun, Shropshire, chemist.—*John Reynolds*, London-road, Surrey, draper.—*C. Davison*, Sunderland, Durham, cabinet maker.—*John Gibbs*, Great Yarmouth, Norfolk, tavern keeper.—*Wm. Carter*, Boraston, Burford, Shropshire,

cattle salesman.—*Robt. P. Bell*, Newcastle-upon-Tyne, fruiterer.—*J. Houghton*, Blackburn, Lancashire, cotton spinner.—*Isaac Sealby*, Keswick, Cumberland, edge-tool manufacturer.—*Jas. Peters*, Merstham, Surrey, coal merchant.—*Hon. Fletcher, sen.*, and *Hon. Fletcher, jun.*, Eastington, Gloucestershire, clothiers.

## FIATS ANNULLED.

*Jas. Hopkins*, Dover-road, Southwark, and Artillery-street, Bermondsey, Surrey, carrier.—*Daniel Greatbatch, jun.*, Newcastle-under-Lyme, Staffordshire, cabinet maker and upholsterer.

## PARTNERSHIPS DISSOLVED.

*Thomas Lombe Taylor, Hen. Hefil, and Edward Norton*, Diss, Norfolk, attorneys and solicitors.—*Wm. Tanner and G. E. Canaing*, Devizes, Wiltshire, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*Jas. Heggie*, wright, Dechmont, near Bathgate, Linlithgow.

## DECLARATIONS OF INSOLVENCY.

*J. Geering*, Cold-harbour-lane, Lambeth, Surrey, carpenter.  
*David Methven*, Enfield, Middlesex, fishmonger.  
*Samuel Franklin*, Bermondsey New-road, out of business.  
*Isaac Champion*, Thornton-le-Clay, Foston, Yorkshire, general shopkeeper.  
*William Hutton*, Bradford, Yorkshire, cloth manufacturer.  
*John Boulton*, Rotherham, Yorkshire, licensed victualler.  
*William Pick*, Huddersfield, painter.  
*Thomas Hardwick*, Arthur-street, Gray's-inn-road, grocer.  
*William Griffiths*, Manchester, hat manufacturer.  
*William Gordon Castell*, Hook Norton, Oxfordshire, school master.  
*William Bates*, Shelton, Stoke-upon-Trent, Staffordshire, vendor of drugs.  
*Jane Curtis*, Petersburgh-place, Bayswater, Paddington, livery-stable keeper.  
*William Bridgland*, Sydenham, Kent, carpenter.  
*Frederick Asprey*, Farnival's-inn, Holborn, attorney and solicitor.  
*Richard Wroe*, Bradford, Yorkshire, woolstapler.  
*William Wilson Greaves*, Newark-upon-Trent, Nottinghamshire, corn dealer.  
*John Wild*, Hulme, Manchester, poulterer.  
*Peter Short*, Manchester, commission agent.

## INSOLVENT DEBTORS.

Saturday, July 8.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Joseph Round*, Lye, Oldswinford, Worcestershire, mailer, No. 61,829 C.; *Thomas Hatton*, assignee.—*Jos. Thompson*, sen., Birmingham, out of business, No. 60,457 C.; *William Langley*, sen., assignee.—*Wm. Knowles*, Leeds, Yorkshire, out of business, No. 62,826 C.; *John Pickles*, assignee.—*Chas. Wm. Sergeant*, Bagshot-green, Surrey, plumber, No. 55,317 T.; *Thomas Henry Fenton*, assignee.—*Abram Coullas*, Bawden, near Leeds, Yorkshire, out of business, No. 62,766 C.; *William Padgett*, assignee.—*Peter Bolton Stretch*, Upper Emory-street, Pimlico, Middlesex, gentleman, No. 55,271 T.; *Robert Blemell Pollard*, assignee.—*Geo. Nortcliffe*, Brighouse, near Huddersfield, Yorkshire, dyer, No. 61,273 C.; *John Smith*, assignee.—*Elijah Cartwright*, Lye, near Stourbridge, Worcestershire, civil engineer, No. 62,986 C.; *William Dukerion Starling*, assignee.—*Edw. Wright*, Hungerford-street, Strand, Middlesex, house agent, No. 42,590 T.; *James Appleton*, assignee.—*Geo. Charles Ramm*, Leonard-square, Curtain-road, Shoreditch, Middlesex, carpenter, No. 55,076 T.; *William Webb*, assignee.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, August 1 at 9.

*John M'Kellar*, Hemingford-terrace, Islington, out of business.—*Thos. Chennell*, Waterloo-road, Lambeth, coffee-house keeper.—*Wm. Bruce*, Union-row, Peckham, merchant.—*W. Banfield*, Lark-row, Cambridge-heath, Bethnal-green, shoe maker.—*E. Boufall*, Burton-st., Burton-crescent, out of business.—*J. Dixon*, Lower Queen-st., Islington, carpenter.—*M. Edwards*, Vine-street, Piccadilly, needlewoman.—*Thos. Blay*, Bermondsey-street, Bermondsey, basket maker.—*Andrew F. Sirko*, King-street, Southwark, book binder.—*Martin Henry*

*Poushee*, Albert-place, Turnham-green, dealer in music.—*F. Weller*, Titley-street, Bromley, modeller.—*Thomas Clowes*, Nutford-place, Edgware-road, upholsterer.—*Joseph Brown*, Kirby-street, Hatton-garden, out of business.—*Fred. Hoefner*, Devonport-street, Commercial-road, dealer in oils and colours.—*Chas. Thomas Steer*, Lambeth-walk, haberdasher.—*Wm. Tame*, Twaites-place, Chapel-street, Mary-le-bone, carman.—*Chas. Langworth*, High-street, St. John's-wood, merchant's clerk.—*Wm. Henry Southey*, Paul-street, Finsbury, French polisher.—*Geo. Price*, Symond's-inn, Chancery-lane, barrister at law.—*Louis Gabriel Isidore Bonnet*, St. John's-wood-terrace, St. John's-wood, Mary-le-bone, clerk.

Aug. 3, at the same hour and place.

*Henry Hayford*, Star-alley, Fenchurch-st., watch maker.—*Chris. Daniel*, Coventry-street, Haymarket, leather seller.—*Sarah Moore*, White Lion-court, Birchin-lane, widow, baker.—*Henry Gray*, Trinity-square, Newington, Surrey, traveller to linen warehousemen.—*Geo. E. Evans*, Lower-road, Islington, commission agent.—*Geo. L. Young*, Great Russell-street, Bermondsey, Surrey, leather dresser.—*Fras. Bryant*, Rushey-green, Lewisham, Kent, omnibus driver.—*John B. Foster*, Angel-place, Stratford, Essex, retired clerk in the Audit Office.—*Robert Jackson*, Upper Rupert-street, Haymarket, shoemaker.—*Wm. Richards*, Lowther-house, West Strand, silversmith.—*H. W. Low*, Great Suffolk-street, Borough, Southwark, merchant's clerk.—*John White*, Dorking, Surrey, painter.—*Saml. Nice*, sen., Duke-street, Lisson-grove, surgeon.—*George Maynard*, Stockwell-park-road, Brixton-road, Surrey, labourer.—*Henry F. Bath*, Blenheim-street, King's-road, Chelsea, inspector of stamp duties.—*James Bryson*, James-street, New-cut, Lambeth, Surrey, hatter.—*J. Arber*, Upper John-street, Hoxton Old-town, sawyer.—*David Webster*, Hungerford-market, Strand, out of business.—*John Walker*, Gilbert-street, Grosvenor-sq., hair dresser.—*Thos. Lane*, jun., Wellington-street, Newington-causeway, commission agent.

Court-house, CHESTER, (County), Aug. 3 at 10.

*Anthony Gilbert*, Nantwich, shoemaker.—*Jos. Matthews*, Birkenhead, boatman.—*Isaac Stopford*, Lane-end-pit, Duck-infield, dealer in tobacco.—*Jonathan Byre*, Hill-head, near Buxton, Derbyshire, farmer.—*Wm. Davenport*, Stockport, hat manufacturer.—*James Wardle*, Prover, near Knutsford, brick maker.—*Abraham Cooke*, Sharrington-cum-Greasy, near Nantwich, shoemaker.—*Hugh Flinn*, Wallasey, stone mason.—*George Henry Bell*, Alderley, cattle dealer.—*Dani. Orme*, Macclesfield, out of business.—*Thomas Hayes*, jun., Kingsley, near Frodsham, dealer in potatoes.—*John Bull*, Sandbach, silk throwster.—*Wm. Wild*, Stockport, grocer.—*R. Seddon*, sen., Bawden, out of business.—*Wm. Fox*, Egremont, out of business.—*John B. Buckley*, Knutsford, tailor.—*Jas. Rowbottom*, Stockport, carpenter.—*James Thomas*, Nantwich, brazier.—*Edward Bramah*, Childer Thornton, Wirrall, shoemaker.—*Jos. Oston*, Little Neston, stonemason.—*John Lidster*, Stockport, attorney at law.

Court-house, CHESTER, (City), Aug. 3 at 10.

*Wm. James Bowden*, Chester, artist.—*Richard Lumbers*, Waverton, out of business.—*John Rowe*, Great Boughton, corn dealer.—*John Moulton*, Chester, shoemaker.

Court-house, LINCOLN, (County), Aug. 2 at 10.

*Henry Smith*, Caistor, painter.—*John Chatterton*, Munby, farmer.—*Wm. B. Appleby*, Boston, painter.—*Nicholas Mableson*, Boston, blacksmith.—*Robert Ashtin*, Spalding, schoolmaster.—*Wm. Blakey*, jun., Horncastle, grocer.—*Edward Norriss*, jun., manager of a farm.—*Rich. Kemp*, Langton, cattle jobber.—*Mager Oliver*, Leake, out of business.—*Thomas Hare*, Woodhall, near Horncastle, farmer.

Court-house, LINCOLN, (City), Aug. 2 at 10.

*Wm. Anderton*, Lincoln, plumber.

Court-house, TAUNTON, Somersetshire, July 31 at 10.

*Benjamin Lazarus*, Bath, out of business.

## INSOLVENT DEBTORS' DIVIDENDS.

*Josiah Marshall*, Rawdon, near Leeds, mill owner, Barwick's, Leeds: 8s. 8d. in the pound.—*Thomas Brown*, Rochdale, Lancashire, tea dealer, Sale & Worthington's, Manchester: 7s. 5½d. in the pound.—*Carrol Satchell*, East Stonehouse, Devonshire, retired quartermaster of the 3rd Royal Veteran Battalions, July 14, Pratt's, Parliament-street: 5s. 7d. in the pound.

## MEETINGS.

*Joseph Nettleton*, Ossett, Yorkshire, out of business, July 28 at 3, *Stewart's*, Wakefield, sp. affairs.

## FRIDAY, JULY 14.

## BANKRUPTS.

**JAMES PERCIVAL**, jun., Whitechapel-road, soap maker, July 26 at half-past 1, and Aug. 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Surr, Lombard-street.—Fiat dated July 10.

**JAMES MILLS**, jun., Acton, Suffolk, carpenter, July 26 at 1, and Aug. 25 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Raimondi & Gooday, South-square, Gray's-inn.—Fiat dated July 11.

**JAMES WATTS**, Holborn, licensed victualler, July 26 at half-past 12, and Aug. 25 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Sharp, Staple-inn.—Fiat dated July 11.

**FRANCIS KENNEDY**, New Bond-street, and York-place, Vauxhall-road, stationer and dressing-case maker, July 25 and Aug. 29 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Devey, Ely-place, Holborn.—Fiat dated July 4.

**WILLIAM JOSEPH ROOME**, Gracechurch-street, London, cutlery agent, July 25 and Aug. 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Bennett, Percy-street, Bedford-sq.—Fiat dated July 10.

**HENRY AUSTIN HOBBS**, St. Peter's, Kent, machine maker and carpenter, July 25 and Aug. 29 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Hunt, St. Mildred's-court, Poultry.—Fiat dated July 5.

**HENRY JONES**, Canterbury, victualler and wine and spirit merchant, July 21 at half-past 10, and Aug. 18 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Waterman & Co., Essex-street, Strand.—Fiat dated July 10.

**JOHN ANDREW STIRTON**, Chandos-street, Covent-garden, grocer and oil and colour man, July 24 at half-past 11, and Aug. 25 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Simpson & Cobb, Austin-friars.—Fiat dated July 3.

## MEETINGS.

*Jas. Caleb Whittenbury*, Blackheath-hill, Kent, builder, July 26 at 12, Court of Bankruptcy, London, last ex.—*Wm. Simpson*, Reading, Berkshire, grocer, July 20 at half-past 2, Court of Bankruptcy, London, last ex.—*W. Gofton*, Gilbert-st., Oxford-st., and Farringdon-st., pawnbroker, July 24 at 12, Court of Bankruptcy, London, last ex.—*J. Farres*, Nine Elms, Surrey, corn dealer, July 25 at half-past 11, Court of Bankruptcy, London, last ex.—*Dodshon Blake*, Norwich, mohair manufacturer, July 26 at 11, Court of Bankruptcy, London, last ex.—*Thos. Kingsnorth*, Charles-street, City-road, iron founder, July 17 at 11, Court of Bankruptcy, London, last ex.—*John Henry Fuller*, Flixton, Lancashire, logwood grinder, July 17 at 11, District Court of Bankruptcy, Manchester, last ex.—*Edward Hilton* and *Nathaniel Walsh*, Over Darwen, Lancashire, paper makers, July 29 at 11, District Court of Bankruptcy, Manchester, last ex.—*Hen. Wood*, Fleet-st., bookseller, Aug. 4 at 11, Court of Bankruptcy, London, and ac.—*W. Copper*, Reading, Berkshire, grocer, Aug. 3 at half-past 11, Court of Bankruptcy, London, and ac.—*Edward Turmaine*, Canterbury, porter merchant, Aug. 7 at 11, Court of Bankruptcy, London, and ac.—*Edw. V. Austin*, Paradise-street, Rotherhithe, apothecary, Aug. 7 at half-past 11, Court of Bankruptcy, London, and ac.—*Edw. Parfrey*, Swaffham, Norfolk, miller, Aug. 7 at half-past 11, Court of Bankruptcy, London, and ac.—*Jas. Whitfield*, Tooley-street, Southwark, grocer, Aug. 7 at 11, Court of Bankruptcy, London, and ac.—*W. G. Pitt*, Cheltenham, Gloucestershire, banker, Aug. 17 at 1, District Court of Bankruptcy, Bristol, and ac.—*David Whalley*, Cirencester, Gloucestershire, scrivener, Aug. 18 at 1, District Court of Bankruptcy, Bristol, and ac.—*Edmund Seddon*, Shuttleworth, Bury, Lancashire, cotton spinner, Aug. 8 at 12, District Court of Bankruptcy, Manchester, and ac.—*Mordecai Hinde* and *Wm. Dean*, Rochdale, Lancashire, woollen manufacturers, Aug. 8 at 1, District Court of Bankruptcy, Manchester, and ac.; Aug. 9 at 12, div.—*Wm. A. Brown*, John T. Bailey, *Jas. Smith*, *Thos. Pierce*, and *Hen. Grueber*, Liverpool, oil and colour manufacturers, Aug. 16 at 11, District Court of Bankruptcy, Liverpool, and ac.; Aug.

17 at 11, div. sep. est. *W. A. Brown*.—*Robert McGregor*, Chester, grocer, Aug. 15 at 12, District Court of Bankruptcy, Liverpool, and ac.; Aug. 16 at 12, div.—*Wm. W. Harvey*, sen., and *Wm. W. Harvey*, jun., Mansfield, Nottinghamshire, coach makers, Aug. 5 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 8 at 11, div.—*Richard Pullin*, Selby, Yorkshire, flax merchant, Aug. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 14 at 11, div.—*Peter Clarke*, Kingston-upon-Hull, merchant, Aug. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 14 at 11, div.—*Thomas Sanderson*, Leeds, Yorkshire, woollen draper, Aug. 7 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 9 at 11, div.—*Thos. Eyre*, Gainsborough, Lincolnshire, corn merchant, Aug. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 14 at 11, div.—*Thos. Millington*, Nottingham, sail manufacturer, Aug. 8 at 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 11 at half-past 11, div.—*Jesse Prime*, Finney-green, Keele, Staffordshire, master, Aug. 11 at 11, District Court of Bankruptcy, Birmingham, and ac.; Aug. 12 at 11, div.—*John Vincent*, Redditch, Worcestershire, pawnbroker, Aug. 10 at 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 12 at 11, div.—*W. H. Swain*, Farnham, Surrey, draper, Aug. 4 at half-past 1, Court of Bankruptcy, London, div.—*A. Yeatman* and *A. Lam*, Fore-street, London, chemists, Aug. 8 at half-past 1, Court of Bankruptcy, London, div.—*D. Tullock*, Duchess-st., Portland-place, and Adelphi-wharf, Strand, coal merchant, Aug. 8 at 2, Court of Bankruptcy, London, div.—*Thos. Bull*, Mmories, grocer, Aug. 4 at half-past 11, Court of Bankruptcy, London, div.—*Rob. B. Thompson*, Wood-street, Cheap-side, warehouseman, Aug. 4 at 1, Court of Bankruptcy, London, div.—*Wm. Amos*, Walbrook, India-rubber merchant, Aug. 4 at half-past 10, Court of Bankruptcy, London, 6n. div.—*Hen. Fletcher*, sen., and *Hen. Fletcher*, jun., Eastington, Gloucestershire, clothiers, Aug. 8 at 2, Court of Bankruptcy, London, div.—*James Robertson*, Liverpool, merchant, Aug. 7 at 11, District Court of Bankruptcy, Liverpool, div.—*Jer. Frith*, Heckmondwike, Yorkshire, merchant, Aug. 11 at 11, District Court of Bankruptcy, Leeds, and ac.; Aug. 14 at 11, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Richard Field*, Plummer's-row, Whitechapel, varnish manufacturer, Aug. 4 at 2, Court of Bankruptcy, London.—*T. Creeke*, Cambridge, tailor, Aug. 8 at 1, Court of Bankruptcy, London.—*Ed. Conden*, Milton-st., and Edward-st., Dorset-square, builder, Aug. 7 at 11, Court of Bankruptcy, London.—*Joseph Nye*, Bridge-house-place, Southwark, surgical instrument manufacturer, Aug. 7 at half-past 12, Court of Bankruptcy, London.—*Wm. Harrington*, jun., High-street, Aldgate, linen-draper, Aug. 9 at half-past 12, Court of Bankruptcy, London.—*John O. Palmer*, Liverpool, music seller, Aug. 4 at 2, Court of Bankruptcy, London.—*George Fendall*, Woodstock-st., Oxford-st., butcher, Aug. 16 at 12, Court of Bankruptcy, London.—*Geo. Butler*, Witham, Essex, builder, Aug. 7 at 12, Court of Bankruptcy, London.—*William Bury*, Blackburn, Lancashire, grocer, Aug. 5 at 12, District Court of Bankruptcy, Manchester.—*Rob. J. Sharp*, Liverpool, victualler, Aug. 8 at 12, District Court of Bankruptcy, Liverpool.—*Thos. M. Conkey*, Down, bleacher, Aug. 7 at 12, District Court of Bankruptcy, Liverpool.—*Sam. Musgrave* and *Benj. Musgrave*, Leeds, dyers, Aug. 5 at 11, District Court of Bankruptcy, Leeds.—*Jos. Rob. Atkinson*, Caistor, Lincolnshire, wine merchant, Aug. 5 at 11, District Court of Bankruptcy, Leeds.—*Wm. Elliott*, Wakefield, Yorkshire, contractor, Aug. 5 at 10, District Court of Bankruptcy, Leeds.—*Hen. W. Blackburn*, Bradford, Yorkshire, woolstapler, Aug. 7 at 11, District Court of Bankruptcy, Leeds.—*G. Hairnall*, York, linen draper, Aug. 16 at 11, District Court of Bankruptcy, Leeds.—*J. Gibbs*, St. Sidwell, Exeter, tailor, Aug. 16 at 11, District Court of Bankruptcy, Exeter.—*Thos. Giddan*, Farringdon, Berkshire, licensed victualler, Aug. 5 at 2, Court of Bankruptcy, London.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 4.

*Nich. Twite*, Liverpool, wholesale poultryer.—*Nat. Webb*, East-street, East Greenwich, victualler.—*Robert Thos. Cawwright*, Louth, Lincolnshire, woollen draper.—*Francis J. Kellyne*, Love-lane, East-cheap, merchant.—*Richard D. Dault*, Wakefield, Yorkshire, corn factor.—*Sam. Tucker*, Exeter

carrier.—*William Mays*, Brigstock, Northamptonshire, fall-manger.—*Geo. Ridley*, Gould-square, London, wine merchant.—*Jan. M. Primmer*, Gosport, Southampton, grocer.—*J. Parker*, Bolton-le-Moors, Lancashire, cotton-waste spinner.—*Geo. Carpenter*, Chelmsford, Essex, chemist.—*Thos. Hyatt*, Shepton Mallett, Somersetshire, scrivener.

## FIAT ANNULLED.

*Jas. W. Sumner*, Reading, Berkshire, builder.

## SCOTCH SEQUESTRATIONS.

*Jas. Robb*, Upper Hangingshaw, Culter, farmer.—*J. Mcfall*, deceased, Glasgow, merchant.—*Walter Paton*, Leith, underwriter.

## DECLARATIONS OF INSOLVENCY.

*George Bishop*, Doris-st. West, Princes-road, Lambeth, out of business.

*C. A. Kirk*, Portland-cottage, Portland-place North, Clapham-road, Lambeth, clerk in an Adjutant-General's office.

*Henry Scott*, Bishopwearmouth, Durham, assistant to a linen draper.

*E. A. J. Walsh*, New Bond-st., Hanover-sq. attorney's clerk.

*Wm. Diggles*, Bradford, Yorkshire, butcher.

*Jacob Laccoes*, Norwich, publican.

*Robert Hope*, Blaydon, Winstan, Durham, cooper.

*Rich. S. Prytherch*, Solihull, Warwickshire, out of business.

*George Whigham*, Leicester, tobacconist.

*James Pearce*, Corley, Wiltshire, haulier.

*John Elmer*, Ipswich, Suffolk, beer-seller.

*Charles Agram*, Barton's-terrace, Pomeroy-street, Old Kent-road, Deptford, Surrey, carpenter.

*James Ellis*, St. Giles, Yorkshire, publican.

*Walter Wright*, Leman-street, Goodman's-fields, Whitechapel, baker.

*Henry Howell*, Little New-st., London, dealer in coals.

*John Burton*, Bennington, Lincolnshire, labourer.

*Sam. Croxby*, Sutton, Lincolnshire, merchant's clerk.

*Peter Nicol*, jun., Bourn, Lincolnshire, farmer.

*Joseph Leonard*, Cheltenham, Gloucestershire, pork butcher.

*John Bellworthy*, Arlington-st., Clerkenwell, undertaker.

*John Welsby*, Great Bolton, Lancashire, labourer.

*John Lee*, Ectinghall, Sedgley, Staffordshire, baker.

*Robt. A. Gadd*, Regent-st., Lambeth, Surrey, grocer.

*Henry Sissons*, Worksop, Nottinghamshire, chemist.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Aug. 7 at 9.

*Thomas Beechey*, Munster-street, Regent's-park, coach trimmer.—*James Hance*, Windsor-terrace, City-road, commercial clerk.—*Wm. Buxton*, Queen's-row, Queen's-road, Dalston, fishmonger.—*Thomas Reilly*, Quickset-row, New-road, St. Pancras, sofa manufacturer.—*H. Badcock*, Charles-street, Thomas-st., Mile-end New-town, manufacturing chemist.—*Fred. Rich*, Clement's-inn, Strand, clerk in Her Majesty's Customs.—*Saml. B. Ruffell*, Waltham Abbey, Essex, draper.—*A. J. Headen*, White-house, Commercial-road, Finsbury, boat builder.—*Chas. Robt. Orridge*, Little Titchfield-st., Oxford-street, shopman to a fruiterer.—*Edward Fuller*, King-street, Borough, Southwark, out of business.—*J. H. Gartenfeld*, Upper St. Martin's-lane, tailor.—*Thomas Jones*, Singleton-street, Hoxton New-town, clerk to an engraver.—*T. Perrott*, Camden-passage, Islington, wheelwright.

*Chas. Miller*, Nottingham, butcher.—*Edward Cartwright*, Nottingham, dyer.—*Thomas Clarke*, Nottingham, attorney at law.—*Hen. Spink*, Nottingham, horse dealer.—*S. Thompson*, sen., Nottingham, cabinet maker.—*Thos. S. Sutton*, Nottingham, printer.—*John Innocent*, Nottingham, plumber.—*Wm. Burwell*, Nottingham, brewer.—*Joseph Chealle*, Nottingham, shoemaker.—*James Smith*, Nottingham, lace manufacturer's assistant.—*Thomas Higgins*, Nottingham, engine smith.—*E. Straw*, Nottingham, gardener.

*Court-house, Nottingham, (Town), Aug. 4 at 10.*

*Geo. Pigott*, Ranby, corn factor.—*Edward Hill*, Rolleston, near Newark, miller.—*Thos. Straw*, East Bridgford, blacksmith.—*Hen. Cope*, Old Radford, dealer in coal.—*Chas. Ley*, sen., Nottingham Castle, cooper.—*William Walters*, South Wingfield, miller.—*Thos. Reason*, Mansfield and Sutton Ashfield, miller.—*A. Gelethorpe*, Nottingham, joiner.—*Charles Naylor*, Halam-hill, Southwill, out of business.—*Joseph Ro-*

*worth*, Widmerpool, out of business.—*Chas. Neale*, Mansfield, saddler.—*Isaac Gyles*, Basford, huckster.—*Edw. Seagrave*, Bulwell, shoemaker.—*Chas. Thompson*, Bulwell, blacksmith.

*Court-house, BODMIN, Cornwall, Aug. 4 at 10.*

*Rich. Daniel*, Truro, tin smelter.—*J. Pearce*, Camborne, butcher.—*Robert Kent*, St. Columb, maltster.—*Hen. Strick*, Lanmer, carpenter.—*Hen. Spreddell*, St. Kew, cordwainer.—*James S. Buzza*, St. Ives, woollen-draper.—*Paul Michell*, Windon, farmer.—*John Bennetta*, Twydrath, mining labourer.—*Thos. S. Hook*, Falmouth, common carrier.—*Chas. Williams*, Penryn, corn merchant.—*J. F. Richards*, Falmouth, flour merchant.—*C. Grose*, St. Austell, widow, grocer.

*Court-house, PLYMOUTH, Devonshire, Aug. 5 at 10.*

*John Chas. Hawkins*, Plymouth, assistant draper.

*Court-house, DREBY, (County), Aug. 7 at 10.*

*Geo. Dunn*, Edinor's Inn, near Chatworth, hostler.—*John Hollis*, New Brompton, near Chesterfield, plasterer.—*Joseph Longden*, New-mills, near Chapel-en-le-Frith, miner.—*Hen. Walker*, Bridge-end, stone mason.—*Thos. Mason*, Maaborough, stone mason.

*Court-house, HEREFORD, (County), Aug. 5 at 10.*

*Jas. Pickford*, Hertford, out of business.—*Jas. Day*, Ickleford, baker.—*W. Eagleton*, St. Alban's, Brazilian hat manufacturer.—*Jacob Wm. Thomas*, Hemel Hempstead, upholsterer.—*James Wisbey*, Moesden, bailiff to a farmer.—*Wm. Colton*, Cottered, labourer.—*Thos. Barron*, Great Hadham, blacksmith.

*Court-house, WELSHPOOL, Montgomeryshire, Aug. 7 at 10.*

*Moses Jones*, Doodarle, Llanfyllin, horse cutter.—*Henry Lewis*, Newtown, shopman.—*Richard Humphreys*, Mayday, farmer.—*Isaac Davies*, Little Hall, Shropshire, farming servant.—*Edward Davies*, Buttington-green, maltster.—*Charles Nicholls*, Newtown, flannel manufacturer.—*Edward Davies*, Trewylan-cottage, Llansaintffraid, out of business.—*Jeremiah Woolley*, jun., Wygdrw, Llandinon, farming bailiff.—*Ellis Humphreys*, Fran-goch, Llanvhaiadr-yn Mochmunt, labourer.—*Evan Roberts*, Sarnybryncallid-gate, Welshpool, out of business.

*INSOLVENT DEBTORS' DIVIDENDS.*

*James Heckford*, Diddington-place, Chalk-road, Pentonville, clerk in the Exchequer Office: 1s. 4d. in the pound.—*Vane Jadis*, Sloane-street, clerk in the Colonial Office: 2s. 3d. in the pound.—*Wm. H. Smith*, Great Yarmouth, Norfolk, retired commander in the Royal Navy: 7s. 6d. in the pound.—*Martin Rawling*, Godfrey-st., Chelsea, superannuated clerk in the Hon. East India Company's service: 9s. in the pound.—*James Chadwick*, Ormskirk, Lancashire, tailor: 6s. 7½d. in the pound.—*Matthew Cholerton*, Derby, cabinet maker: 5s. 4½d. in the pound.—*S. C. Beadle*, Worcester, confectioner: 3s. 3d. in the pound.—*J. Clayton*, Sheerness, Kent, plumber: 3s. 10½d. in the pound.—*Henry George*, Bath, bookseller: 1s. 1½d. in the pound.

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*George Yorke*, Chichester, builder, at Sherwood's, Chichester: 2s. 3d. in the pound.—*Wm. R. Browne*, clerk in the Customs, July 18, at Morgam & Kennedy's, 100, Chancery-lane: 1s. 2d. in the pound (in addition to former div. of 2s. 4d.).

—*Francis Stearman*, Norwich, carpenter, July 18, at Jay's, Norwich: 8½d. in the pound.

The Queen has been pleased to appoint William Musgrave, Esq., to be Puisne Judge of the Supreme Court of the colony of the Cape of Good Hope.

MASTER IN CHANCERY.—The Lord Chancellor has appointed Edwin Albery, of Midhurst, Sussex, Gent., to be a Master Extraordinary in the High Court of Chancery.

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\* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	{ G. J. P. SMITH, Esq. of the Inner Temple; and
Privy Council .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.		{ J. PULLEINE, Esq. of the Middle Temple, Barristers at Law.
The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Queen's Bench Bail Court	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.	Court of Common Pleas	{ J. R. MARSHMAN, Esq. of Lincoln's Inn, Barrister at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.	Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Ecclesiastical and Admiralty Courts .....	{ Dr. H. I. NICHOLL, of Doctors' Commons.
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

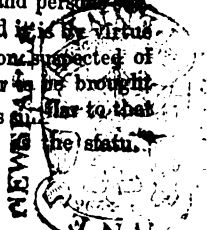
LONDON, JULY 22, 1843.

The statute 4 Edw. 1, commonly called the Statute de Officio Coronatoris, enacted, That the coroner upon information shall go to the places where any be slain, or suddenly dead or wounded, and shall forthwith command four of the next towns, or five or six, to appear before him in such a place; and when they are come thither, the coroner upon the oath of them shall inquire in this manner; that is, to wit, if they know where the person was slain, whether it were in any house, field, bed, tavern, or company, and who were there. Likewise it is to be inquired who were culpable, either of the act, or of the force, and who were present, either men or women, and of what age soever they be, (if they can speak or have any discretion). And how many soever be found culpable by inquisition, in any of the manners aforesaid, they shall be taken and delivered to the sheriff, and shall be committed to the gaol; and such as be founden, and be not culpable, shall be attached until the coming of the justices, and their names shall be written in the coroner's rolls. The above statute, like many others of that period, was wholly directory and in affirmance of the common law, and did not restrain the coroner from any power that was incident to his office before. Although it speaks of the jurors coming from the adjoining townships, they may come from the body of the county. They must consist of twelve at least, and that number must agree in the verdict.

With respect to their qualifications, inquisitions held by the coroner by virtue of his office, without writ, are expressly excepted from the operation of the Jury Act; and although the 8 Hen. 6, c. 19, requires the jurors to have lands of the yearly value of 40s., it is not usual to return persons having such qualifications. Upon the manner of taking the inquest, it is to be observed, that formerly, with the exception of cases of *felo de se*, only

evidence for the King was heard; but it is now settled, that it is the duty of the coroner to receive evidence on oath as well on behalf of the party accused as of the King, because, as Lord Hale remarks, his inquest is to inquire truly *quo modo ad mortem devenit*, and is rather for information of the truth of the fact as near as the jury can assert it, and not for an accusation; and because, though the prisoner may be arraigned upon the coroner's inquest, if it find murder or manslaughter, yet neither the court nor the prosecutor is concluded by it, but a bill of murder may be preferred to the grand inquest; and upon that new presentment the party may be arraigned and tried, though the coroner's inquest arises only to manslaughter, or it may be to *se defendendo* or chance medley. With regard to witnesses, the coroner, as an incident to his office, has authority to issue a summons to compel their appearance, and he may commit them for contempt if they refuse to appear, or, having appeared, refuse to give evidence.

As to the party found guilty of the murder, or manslaughter, the reader will observe that he is required by the statute to be taken and delivered to the sheriff to be committed to gaol; and it is the duty of the coroner to issue a warrant for his apprehension. This, however, is only applicable to the case of the verdict having been returned, and if the power of the coroner rested here, the offender might escape, where the inquest was of some duration, or was adjourned. In this case the coroner resorts to another branch of his authority. By the statute of Westminster 1, c. 9, he is a conservator of the peace in relation to all felonies; and though he can take no inquisition concerning any but the death of a man, he may command persons suspected of them to be apprehended. And it is by virtue of this capacity that he causes a person suspected of being concerned in the death of another to be brought before him. His power in this respect is similar to that possessed by a magistrate, except that, the statute





(5 & 6 Will. 4, c. 33, s. 3) which enables the latter to take bail for the appearance of persons accused of felony, does not extend to coroners, he, like the magistrates formerly, has no such power; and the Court of Queen's Bench must be applied to, which, as the supreme criminal tribunal in the kingdom, has an absolute and uncontrollable authority to bail offenders. In one respect the coroner possesses a power which the magistrates have not, and which it might occasionally be found useful to exercise. Before the stat. 1 R. 3, c. 3, it was his duty, by the statute *De Officio Coronatoris*, to inquire of the goods of such as were found guilty of the murder by the inquest, and to cause them to be valued and delivered to the township. This duty, as far as regards the seizure, was abrogated by the statute above mentioned; but that statute does not, it is said, apply to cases where there is a presentment before the coroner of a *fugam fecit*. In such a case, if the inquest finds the offender to have fled, he forfeits his goods absolutely, and the issues of his lands, until acquitted or pardoned. In a case like that which has lately occurred, the presentment of a *fugam fecit* might perhaps be not without some use. The striking instances which have happened within the last year or two of defective coroners' inquisitions, have no doubt caused much surprise in the minds of unprofessional persons. But when it is considered, that inquisitions require to be drawn up with the same strictness and legal precision as indictments, and that the persons whose duty it is to prepare them are not generally much conversant with the niceties of either civil or criminal pleadings, the number of bad inquisitions is not to be wondered at. It is remarkable, that the stat. 7 Geo. 4, c. 64, s. 20, by which various technical defects in indictments and informations are aided, does not apply to inquisitions; and although requiring, as it would seem, to be looked at with greater indulgence, they are subjected to a stricter examination than even indictments. As to the effect of the inquisition, it seems to be now settled, that it is in no case conclusive; and any one affected by it either collaterally or otherwise, may deny its authority and put it in issue. This was formerly doubted with respect to inquests of flight and *felo de se*; but it is now agreed that these as well as other inquests may be traversed. Upon the verdict being found it is, as we have seen, the duty of the coroner to commit the accused party to prison. He also returns to the clerk of assize for the county the depositions taken before him, the recognizances entered into by the witnesses, and the inquisition itself, for the purpose of the party being tried.

We have been induced to make the foregoing observations respecting the authority and duties of coroners by a, perhaps false, impression that the subject is not generally so accurately known as it ought to be. According to Blackstone, the office is of equal antiquity with the sheriff, and was ordained together with him to keep the peace when the earls gave up the wardship of the county. The statute of Westminster 1, made 3 Edw. 1, c. 10, enacted, that the coroners should be chosen of the most loyal and wise knights; and in ancient times, none under that degree were chosen. And when the sheriffs ceased to be elected by the people, the coroner, who was chosen by the freeholders, and whose office was for life, acquired increased dignity. Matters however were greatly changed even as long ago as when Blackstone wrote, who complains, that, through the culpable neglect of gentlemen of property, the office had been suffered to fall into disrepute, and had got into low and indigent hands. Of late years also, in the metropolis and other places, the dignity of the coroner's court has received some rude shocks from a comparison with the courts of the police

magistrates, whose superior means of investigation seem to render unnecessary the exercise of the functions of the former. We fear, indeed, that all the activity and ability of its holders will hardly be able to rescue the office from insignificance. Certain it is, that it will never again be what it formerly was; and we may look in vain among modern coroners for the like of him of whom Chaucer wrote—

“Lord and sire,  
Full often time was knight of the shire,  
A schreive had been, and a coronour.”

#### OPINIONS OF THE JUDGES IN REGARD TO THE LAW RELATING TO ALLEGED CRIME COMMITTED BY PERSONS AFFLICTED WITH INSANE DELUSIONS.

The following questions of law were propounded to the judges by the Lord Chancellor on the part of the House of Lords:—

1st. What is the law respecting alleged crimes committed by persons afflicted with insane delusion in respect of one or more particular subjects or persons; as for instance, where, at the time of the commission of the alleged crime, the accused knew he was acting contrary to law, but did the act complained of with a view under the influence of insane delusion, of redressing or avenging some supposed grievance or injury, or of producing some supposed public benefit?

2nd. What are the proper questions to be submitted to the jury, when a person, alleged to be afflicted with insane delusion respecting one or more particular subjects or persons, is charged with the commission of a crime, (murder, for example), and insanity is set up as a defence?

3rd. In what terms ought the questions to be left to the jury as to the prisoner's state of mind at the time when the act was committed?

4th. If a person under an insane delusion as to existing facts, commits an offence in consequence thereof is he thereby excused?

5th. Can a medical man converse with the disease of insanity, who never saw the prisoner previous to the trial, but who was present during the whole trial and the examination of all the witnesses, be asked his opinion as to the state of the prisoner's mind at the time of the commission of the alleged crime, or his opinion whether the prisoner was conscious, at the time of doing the act, that he was acting contrary to law; or whether he was labouring under any and what delusion at the time?

On the 19th June, 1843, the following answers were returned by the judges to the above questions:—

Mr. Justice Maule.—I feel great difficulty in answering the questions put by your Lordships on this occasion: first, because they do not appear to arise out of and are not put with reference to a particular case or for a particular purpose, which might explain or limit the generality of their terms, so that full answers to them ought to be applicable to every possible state of facts not inconsistent with those assumed in the questions; this difficulty is the greater, from the practical experience of the bar, and the court being confined to questions arising out of the facts of particular cases; secondly, because I have heard no argument at your Lordship's bar or elsewhere on the subject of these questions, the want of which I feel the more, the greater is the number and the extent of questions which might be raised in argument; and thirdly, from a fear, of which I cannot divest myself, that as these questions relate to matters of criminal law of great importance and frequent occurrence, the answers to them by the judges may embarrass the administration of justice when they are cited in criminal trials. For these reasons I should have been glad if my learned brethren would have



joined me in praying your Lordships to excuse us from answering these questions, but as I do not think they ought to induce me to ask that indulgence for myself individually, I shall proceed to give such answers as I can, after the very short time which I have had to consider the questions, and under the difficulties I have mentioned, fearing that my answers may be as little satisfactory to others as they are to myself. The first question, as I understand it, is in effect, what is the law respecting alleged crime, when at the time of the commission of it the accused knew he was acting contrary to the law, but did the act with a view, under the influence of insane delusion, of redressing or avenging some supposed grievance or injury, or of producing some supposed public benefit? If I were to understand this question according to the strict meaning of its terms, it would require, in order to answer it, a solution of all questions of law which could arise on the circumstances stated in the question, either by explicitly stating and answering such questions, or by stating some principles or rules which would suffice for the solution. I am quite unable to do so; and, indeed, doubt whether it be possible to be done; and therefore request to be permitted to answer the question only so far as it comprehends the question, whether a person, circumstanced as stated in the question, is for that reason only to be found not guilty of a crime respecting which the question of his guilt has been duly raised in a criminal proceeding; and I am of opinion, that he is not. There is no law that I am aware of, that makes persons in the state described in the question not responsible for their criminal acts. To render a person irresponsible for crime on account of unsoundness of mind, the unsoundness should, according to the law as it has long been understood and held, be such as rendered him incapable of knowing right from wrong. The terms used in the question cannot be said (with reference only to the usages of language) to be equivalent to a description of this kind and degree of unsoundness of mind. If the state described in the question be one which involves or is necessarily connected with such an unsoundness, this is not a matter of law, but of physiology; and not of that obvious and familiar kind as to be inferred without proof; secondly, the questions necessarily to be submitted to the jury are those questions of fact which are raised on the record. In a criminal trial the question commonly is, whether the accused be guilty or not guilty; but in order to assist the jury in coming to a right conclusion on this necessary and ultimate question, it is usual and proper to submit such subordinate or intermediate questions as the course which the trial has taken may have made it convenient to direct their attention to. What those questions are, and the manner of submitting them, is a matter of discretion for the judge; a discretion to be guided by a consideration of all the circumstances attending the inquiry. In performing this duty it is sometimes necessary or convenient to inform the jury as to the law; and if on a trial, such as is suggested in the question, he should have occasion to state what kind and degree of insanity would amount to a defence, it should be stated conformably to what I have mentioned in my answer to the first question, as being, in my opinion, the law on this subject; thirdly, there are no terms which the judge is by law required to use. They should not be inconsistent with the law as above stated, but should be such as, in the discretion of the judge, are proper to assist the jury in coming to a right conclusion as to the guilt of the accused. Fourth, the answer which I have given to the first question is applicable to this. Fifth, whether a question can be asked depends, not merely on the question of fact raised on the record, but on the course of the cause at the time it is proposed to ask it; and the state of an inquiry as to the guilt of a person charged with a crime, and defended on the

ground of insanity, may be such that such a question as either of those suggested is proper to be asked and answered, though the witness has never seen the person before the trial, and though he has been present and heard the witnesses; these circumstances, of his never having seen the person before and of his having been present at the trial, not being necessarily sufficient, as it seems to me, to exclude the lawfulness of a question which is otherwise lawful, though I will not say that an inquiry might not be in such a state, as that these circumstances should have such an effect. Supposing there is nothing else in the state of the trial to make the question suggested proper to be asked and answered, except that the witness had been present and heard the evidence, it is to be considered whether that is enough to sustain the question. In principle it is open to this objection, that, as the opinion of the witness is founded on those conclusions of fact which he forms from the evidence, and as it does not appear what those conclusions are, it may be that the evidence he gives is on such an assumption of facts as to make it irrelevant to the inquiry. But such questions have been very frequently asked, and the evidence to which they have been directed has been given, and has never that I am aware of been successfully objected to. Evidence most clearly open to this objection, and on the admission of which the event of a most important trial probably turned, was received in the case of *The Queen v. M'Naughten*, tried at the Central Criminal Court in March last, before the Lord Chief Justice, Mr. Justice Williams, and Mr. Justice Coleridge, in which counsel of the highest eminence were engaged on both sides; and I think the course and practice of receiving such evidence, confirmed by the very high authority of these judges, who not only received it, but left it, as I understand, to the jury without any remark derogating from its weight, ought to be held to warrant its reception, notwithstanding the objection in principle to which it may be open. In cases even where the course of practice in criminal law has been unfavourable to parties accused, and entirely contrary to the most obvious principles of justice and humanity, as well as those of law, it has been held that such practice constituted the law, and could not be altered without the authority of parliament.

Tindal, C. J.—My Lords, her Majesty's judges, with the exception of Mr. Justice Maule, who has stated his opinion to your Lordships, in answering the questions proposed to them by your Lordships' House, think it right in the first place to state that they have forborne entering into any particular discussion upon these questions, from the extreme and almost insuperable difficulty of applying those answers to cases in which the facts are not brought judicially before them. The facts of each particular case must of necessity present themselves with endless variety, and with every shade of difference in each case, and it is their duty to declare the law upon each particular case on facts proved before them, and after hearing argument of counsel thereon. They deem it at once impracticable, and at the same time dangerous to the administration of justice if it were practicable, to attempt to make minute applications of the principles involved in the answers given by them to your Lordships' questions: they have therefore confined their answers to the statements of that which they hold to be the law upon the abstract questions proposed by your Lordships; and as they deem it unnecessary in this particular case to deliver their opinions seriatim, and as all concur in the same opinion, they desire me to express such their unanimous opinion to your Lordships. In answer to the first question, assuming that your Lordships' inquiries are confined to those persons who labour under such partial delusions only, and are not in other respects insane, we are of opinion, that, notwithstanding the party accused

did the act complained of, with a view, under the influence of insane delusion, of redressing or avenging some supposed grievance or injury, or of producing some public benefit, he is nevertheless punishable, according to the nature of the crime committed, if he knew at the time of committing such crime that he was acting contrary to law, by which expression we understand your Lordships to mean the law of the land. As the third and fourth questions appear to us to be more conveniently answered together, we have to submit our opinion to be, that the jury ought to be told in all cases, that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that, to establish a defence on the ground of insanity, it must be clearly proved, that, at the time of committing the act, the party accused was labouring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing what was wrong. The mode of putting the latter part of the question to the jury on these occasions has generally been, whether the accused at the time of doing the act knew the difference between right and wrong, which mode, though rarely, if ever, leading to any mistake with the jury, is not, as we conceive, so accurate when put generally and in the abstract, as when put with reference to the party's knowledge of right and wrong in respect to the very act with which he is charged. If the question were to be put as to the knowledge of the accused solely and exclusively with reference to the law of the land, it might tend to confound the jury, by inducing them to believe that an actual knowledge of the law of the land was essential in order to lead to a conviction, whereas the law is administered upon the principle, that every one must be taken conclusively to know it, without proof that he does know it. If the accused were conscious that the act was one which he ought not to do, and if that act was at the same time contrary to the law of the land, he is punishable; and the usual course therefore has been to leave the question to the jury, whether the party accused had a sufficient degree of reason to know that he was doing an act that was wrong; and this course we think is correct, accompanied with such observations and explanations as the circumstances of each particular case may require. The answer to the fourth question must of course depend on the nature of the delusion; but making the same assumption as we did before, namely, that he labours under such partial delusion only, and is not in other respects insane, we think he must be considered in the same situation as to responsibility, as if the facts, with respect to which the delusion exists, were real. For example, if, under the influence of delusion, he supposes another man to be in the act of attempting to take away his life, and he kills that man, as he supposes, in self-defence, he would be exempt from punishment. If his delusion was, that the deceased had inflicted a serious injury to his character and fortune, and he killed him in revenge for such supposed injury, he would be liable to punishment. In answer to the last question, we state to your Lordships, that we think the medical man, under the circumstances supposed, cannot in strictness be asked his opinion in the terms above stated, because each of those questions involves the determination of the truth of the facts deposed to, which it is for the jury to decide; and the questions are not mere questions upon a matter of science, in which case such evidence is admissible. But where the facts are admitted, or not disputed, and the question becomes substantially one of science only, it may be convenient to allow the question to be put in that general form, though the same cannot be insisted on as a matter of right.

## Imperial Parliament.

### HOUSE OF LORDS.

Tuesday, July 18.

The House went into committee on the Defamation and Libel Bill. The proposed 13th and 14th clauses were withdrawn and, subject to some alteration, the other clauses of the Bill were agreed to, and the report ordered to be received on Friday.

### HOUSE OF COMMONS.

Wednesday, July 19.

The Coroners Bill passed through committee pro forma.

Thursday, July 20.

Sir R. Peel intimated that the Ecclesiastical Courts Bill would be postponed till next session; but the Government entertained a hope of being able to proceed with the Courts Bill.

Sir G. Clerk moved for leave to bring in a Bill to continue in force for one Year the Law relating to the Trial of Contested Elections.

## London Gazettes.

TUESDAY, JULY 18.

### BANKRUPTS.

THOMAS CHAPPELL, Sudbury, Suffolk, licensed victual and paper hanger, July 25 and Aug. 29 at 1, Court Bankruptcy, London: Off. Ass. Alsager; Sol. Lott, Bow Lane, Cheapside.—Fiat dated July 15.

ROBERT RICHARDSON, High-street, Wapping, anchor and chain-cable manufacturer, blacksmith, and shipowner, Aug. 3 and 31 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Phillips, 31, St. Dunstan's-hill, City.—Fiat dated July 6.

JOHN HARWOOD and FREDERICK HARWOOD, Feather church-street, London, stationers, July 25 and Aug. 26 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Clark & Davidson, Essex-st., Strand.—Fiat dated July 1.

RICHARD ARMFIELD, King-street, Cheapside, butt manufacturer, July 25 at 10, and Aug. 26 at 1, Court Bankruptcy, London: Off. Ass. Belcher; Sol. Ellis, Cooper's-court, Cornhill.—Fiat dated July 12.

MATTHEW NELMS, Back-hill, Hatton-garden, hearth-plate manufacturer, July 27 at half-past 12, and Sept. 15 at Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Cox, 16, Pinner's-hall, Old Broad-st.—Fiat dated July 1.

JAMES BINION COOPER, Drury-lane, ironfounder, July 29 at half-past 12, and Sept. 15 at half-past 2, Court Bankruptcy, London: Off. Ass. Edwards; Sol. Carlton Haynes, 6, Chancery-lane.—Fiat dated July 15.

GEORGE SIMONS, King's-square, Goswell-road, St. Paul watch manufacturer, July 27 at half-past 2, and Sept. 15 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. E. & C. Harrison, 14, Southampton-buildings, Chancery-lane.—Fiat dated July 12.

IBBS WILLIAM HODGES BROWN, Little Bowditch Northamptonshire, dealer in horses, July 29 at 11, and Sept. 15 at 2, Court of Bankruptcy, London: Off. Ass. Edward Sols. Austen & Hobson, 4, Raymond-buildings, Gray's-inn.—Fiat dated July 8.

THOMAS RADCLYFFE, Birmingham, stationer, July at 2, and Aug. 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Cox, Pinner's-hall Old Broad-street, London.—Fiat dated July 13.

### MEETINGS.

W. Fletcher, Birmingham, oil man, Aug. 16 at 11, District Court of Bankruptcy, Birmingham, pr. d.—J. Stevens, Be well, Salome, Oxfordshire, ironfounder, July 27 at 1, Court of Bankruptcy, London, last ex.—Wm. Gordon, Colchester Essex, coach proprietor, July 28 at 1, Court of Bankruptcy, London, last ex.—Jas. Whiting, Sockeford-st., Clerkenwell, carpenter, July 21 at 2, Court of Bankruptcy, London, last ex.—John Dewhurst, Preston, provision dealer, Aug. 3 at 1 District Court of Bankruptcy, Manchester, last ex.—Richard W. Carpenter, Holloway, cheesemonger, Aug. 8 at half-past 2, Court of Bankruptcy, London, aud. ac.—Richard Park Hambro-wharf, London, and Oxford, wharfinger, July 27

half-past 1, Court of Bankruptcy, London, and. ac.—*William Ward*, Wansford-court, London, merchant, July 27 at 2, Court of Bankruptcy, London, and. ac.—*John Carter*, Elland, Halifax, Yorkshire, corn miller, Aug. 9 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Henry Herwood*, Beverley, Yorkshire, linen draper, Aug. 10 at 11, District Court of Bankruptcy, Leeds, and. ac.; Aug. 11 at 11, div.—*William Wilkinson*, Manchester, dealer in toys, Aug. 11 at 12, District Court of Bankruptcy, Manchester, and. ac.; Aug. 12 at 12, div.—*Jos. Raleigh*, Thos. Smith Goode, and *Wm. Holland*, Manchester, merchants, Aug. 9 at 1, District Court of Bankruptcy, Manchester, and. ac.; Aug. 10 at 1, div. sep. est. T. S. Goode.—*Walter Greenwood*, Rochdale, Lancashire, innkeeper, Aug. 9 at 12, District Court of Bankruptcy, Manchester, and. ac.; Aug. 10 at 12, div.—*Wm. I. Law*, Manchester, chemist, Aug. 9 at 1, District Court of Bankruptcy, Manchester, and. ac.; Aug. 10 at 1, fin. div.—*David Scott*, Flint, iron and coal master, Aug. 21 at 11, and Aug. 22 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Thos. Taylor*, Liverpool, bookseller and stationer, Aug. 22 at half-past 11, District Court of Bankruptcy, Liverpool, and. ac.—*Robert Boag*, Birkenhead, Cheshire, baker, Aug. 21 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*Hen. S. Humphreys*, Llanilini, Denbighshire, surgeon, Aug. 24 at 12, District Court of Bankruptcy, Liverpool, and. ac.; Aug. 25 at 12, div.—*Thomas Williams* and *Ed. Williams*, Liverpool, linen-drappers, Aug. 15 at half-past 12, District Court of Bankruptcy, Liverpool, and. ac.; Aug. 16 at half-past 12, div.—*Rich. Lloyd*, Liverpool, licensed victualler, Aug. 11 at 12, District Court of Bankruptcy, Liverpool, and. ac.—*George Warden*, Market Harborough, Leicestershire, innkeeper, Aug. 15 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 16 at half-past 11, div.—*John Fowkes*, Leicester, hosier, Aug. 9 at 12, District Court of Bankruptcy, Birmingham, and. ac.—*David B. Finn*, Nottingham, tailor, Aug. 9 at 1, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 10 at half-past 12, div.—*Jos. Rose*, Spalding, Lincolnshire, ironmonger, Aug. 12 at half-past 12, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 14 at half-past 12, div.—*John Liggins*, Hinckley, Leicestershire, hosier, Aug. 9 at half-past 12, District Court of Bankruptcy, Birmingham, and. ac.—*Wm. Southam*, Birchills, Walsall, Staffordshire, miller, Aug. 10 at 11, District Court of Bankruptcy, Birmingham, and. ac.; Aug. 12 at half-past 11, div.—*Wm. Chauncer*, Hinckley, Leicestershire, tea dealer, Aug. 9 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.—*Hen. F. Delamain*, St. Mary at Hill, London, wine merchant, Aug. 10 at 1, Court of Bankruptcy, London, fin. div.—*W. Copper*, Reading, Berkshire, grocer, Aug. 10 at 12, Court of Bankruptcy, London, div.—*Josiah Barnett*, Sydenham, Kent, builder, Aug. 8 at 11, Court of Bankruptcy, London, fin. div.—*Thos. Pearson*, Liverpool-road, Islington, builder, Aug. 8 at half-past 12, Court of Bankruptcy, London, div.—*John A. Cater*, Hertford, brewer, Aug. 8 at half-past 11, Court of Bankruptcy, London, fin. div.—*Jas. Painter Davis*, Bromley, Kent, innkeeper, Aug. 8 at 12, Court of Bankruptcy, London, div.—*Charles Crook*, George-yard, Long-acre, livery-stable-keeper, Aug. 16 at half-past 12, Court of Bankruptcy, London, div.—*Walter Greenwood*, Rochdale, Lancashire, innkeeper, Aug. 10 at 12, District Court of Bankruptcy, Manchester, div.—*Thos. M. Whiteley*, Liverpool, hatter, Aug. 29 at 11, District Court of Bankruptcy, Liverpool, div.—*James Goddard* and *H. Goddard*, Market Harborough, Leicestershire, bankers, Aug. 11 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Case be shown to the contrary on the Day of Meeting.

*Edward Perkins*, Bishopsgate-street Without, London, coal dealer, Aug. 10 at 2, Court of Bankruptcy, London.—*Jos. Whitmore*, Great Winchester-street, London, silkman, Aug. 10 at 2, Court of Bankruptcy, London.—*Wm. Young*, Millford Nursery, near Godalming, Surrey, nurseryman, Aug. 16 at half-past 11, Court of Bankruptcy, London.—*William Sims*, St. Ives, Penzance, Cornwall, grocer, Aug. 24 at 11, District Court of Bankruptcy, Bristol.—*Joseph Parry*, Harfordwest, draper, Aug. 9 at 11, District Court of Bankruptcy, Bristol.—*William North*, Bath, Somersetshire, innkeeper, Aug. 10 at 12, District Court of Bankruptcy, Bristol.—*Rich. Ellis*, Merlin's-bridge, Harroldstone, St. Isells, Pembrokeshire, draper, Aug. 21 at 12, District Court of Bankruptcy,

Bristol.—*Evan Leyshon*, Cardiff, Glamorganshire, auctioneer, Aug. 23 at 11, District Court of Bankruptcy, Bristol.—*Ralph Mansfield*, Liverpool, coal dealer, Aug. 10 at 12, District Court of Bankruptcy, Liverpool.—*Rich. Lloyd*, Liverpool, licensed victualler, Aug. 10 at half-past 12, District Court of Bankruptcy, Liverpool.—*Hen. S. Humphreys*, Llanilini, Denbighshire, surgeon, Aug. 10 at 11, District Court of Bankruptcy, Liverpool.—*Thomas Williams* and *Ed. Williams*, Liverpool, linen-drappers, Aug. 16 at 1, District Court of Bankruptcy, Liverpool.—*John Burton*, Sheffield, Yorkshire, butcher, Aug. 8 at 11, District Court of Bankruptcy, Leeds.—*Wm. Musgrave*, Leeds, Yorkshire, dyer, Aug. 8 at 11, District Court of Bankruptcy, Leeds.—*John Clarke* and *Geo. Clarke*, Aug. 11 at half-past 12, District Court of Bankruptcy, Birmingham.—*Wm. I. Law*, Manchester, chemist, Aug. 10 at 1, District Court of Bankruptcy, Manchester.—*Esau Rowbottom*, Manchester, flour dealer, Aug. 11 at 12, District Court of Bankruptcy, Manchester.—*James Stutlard* and *Thomas Stutlard*, Manchester, cotton manufacturers, Aug. 14 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 8.

*Hen. Francis Pankhurst*, Stoke-upon-Trent, Staffordshire, grocer.—*Thomas Durrant* and *George Banks*, Wilmington, Kent, bakers.—*Arthur Jarrett*, Castle-street, Southwark, Surrey, hat manufacturer.—*Jos. Hands* and *Eliz. Gill*, Coventry, ribbon manufacturers.—*Thos. Collett*, Ossett, near Wakefield, Yorkshire, cotton spinner.—*J. Brown* and *Rob. Humphreys Barrett*, High-street-place, White Horse-lane, Stepney, manufacturers of ship controllers.—*Charles Stanley Masterman*, North-end, Croydon, Surrey, grocer.—*Chas. Harrison*, Red Lion-street, Holborn, licensed victualler.—*John Fielding* and *Thomas Fielding*, Blackburn, Lancashire, joiners.—*Charles Fish*, Lincoln, butcher.

#### SCOTCH SEQUESTRATIONS.

*James Pringle*, St. Andrews, merchant.—*John Bell*, Maxwell-town, Troqueur, Kirkcudbright, merchant.—*Wm. Bowie*, Falkirk, merchant.

#### DECLARATIONS OF INSOLVENCY.

*S. Berridge*, Braybrooke, Northamptonshire, school master.  
*Edmund Griffiths*, Arley, Staffordshire, gardener.  
*Charles Coburn*, Warwick, stationer.  
*Thos. Dransfield*, Woolsale, Kirkbampton, Yorkshire, clothier.  
*Edward Booth*, Staly-bridge, Lancashire, surgeon.  
*William Mackenzie*, Huddersfield, Yorkshire, spinner.  
*Charles Addis*, Gloucester, general painter.  
*George Gedney Dore*, Dean-street, St. George, Bloomsbury, clerk to an attorney.  
*James White*, Wakefield, Yorkshire, publican.  
*James Ford*, Pilton, Devonshire, cattle dealer.  
*Benjamin Johnson*, Huddersfield, Yorkshire, whitesmith.  
*Francis Butterfield*, Kimberworth, Rotherham, Yorkshire, butcher.  
*John Nuttall*, Liverpool, retailer of ale and porter.  
*N. Mac William*, Haslingden, Whalley, Lancashire, milliner.  
*Alfred Lawriston*, Delacourt, Devonshire-street, Lambeth, Surrey, house and estate agent.  
*Ann Barrett*, Great Quebec-street, Montague-square, Marylebone, lodging-house keeper.  
*Richard Paine*, Westbourne-road, Paddington, timber dealer.

#### INSOLVENT DEBTORS.

Saturday, July 15.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*John Tabrum*, Roxwell, Essex, farmer, No. 10,976 T.; *Edward Brazier*, new assignee, in the room of Samuel Straight, deceased.—*Geo. Hemmings*, Elland, near Halifax, Yorkshire, labourer, No. 61,825 C.; *Job Stocks*, assignee.—*Jonathan Paine*, Fawler, Oxfordshire, miller, No. 62,887 C.; *Robert Harris*, assignee.—*John Ayris*, Wheatley, Oxfordshire, blacksmith, No. 62,967 C.; *William John Carpenter*, assignee.—*Edmund Joseph Rouse*, Torrington-square, Gower-street, Middlesex, out of business, No. 55,285 T.; *Septimus Hodgson*, assignee.—*Wm. Sparshott*, Cedar-cottage, Westow-hill, Norwood, Surrey, baker, No. 55,243 T.; *Charles Palmer*, assignee.—*Charles Bramhall*, Friday-street, Cheap-side, London, tap keeper, No. 55,267 T.; *Andrew Fleck*, assignee.—*Wm. Walker*, Lintwhaite, near Huddersfield, Yorkshire, shopkeeper,

No. 62,468 C.; John Brooke, assignee.—*Lockart Muir Clemen*, Bradford, Yorkshire, travelling draper, No. 62,899 C.; Richard Brook, assignee.—*James Kobby*, Oxford, carpenter, No. 62,960 C.; John Crews Dudley, assignee.—*Amos Midgley*, Halifax, Yorkshire, innkeeper, No. 62,797 C.; Joseph Greenwood, assignee.—*John Hampton*, Wellington-street, Camden-town, Middlesex, carver, No. 48,993 T.; Thomas Cracknell, assignee.—*Wm. Rose*, Eltham, Kent, grocer, No. 55,199 T.; Alfred Davis, assignee.—*Peter Hammond*, All Saints, Worcestershire, licensed hawkers, No. 62,938 C.; Thomas Hair, assignee.—*Stephen Newing*, Temple Ewell, Kent, grocer, No. 63,050 C.; Thomas Achee Terson, assignee.—*Richard Hutchinson*, Gibraltar-row, St. George's-row, Southwark, Surrey, chandler's shopkeeper, No. 55,275 T.; George Harris, assignee.—*J. Orton*, Coventry, surgeon, No. 58,329 C.; John Neale, sen., and John Neale, jun., assignees.—*Isaac Minton*, Woolwich, Kent, cowkeeper, No. 55,282 T.; Edward Biggs, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Thursday, Aug. 10 at 9.*

*Extra Mapleden*, Cold Harbour-lane, Brixton, Surrey, carpenter.—*James Hunter*, jun., Belvidere-road, Mile-end-road, out of business.—*Alfred Wade*, Earl-st., Finsbury, baker.—*Henry Diggins*, Upper Cleveland-street, Fitzroy-square, out of business.—*Henry John Suffell*, Fanton-square, Westminster, attorney's clerk.—*Robert Laalie*, High Holborn, bookbinder.—*James Maidment*, Gloucester-place, Portman-square, valet.—*Joaquin Clemente*, New Compton-street, out of business.—*Wm. Munday*, Warwick-court, Holborn, printer.—*Wm. D. Green*, Ranelagh-street, Pimlico, butcher.—*John E. Morgan*, Colchill-street, Pimlico, commission agent.—*John George Brodie*, Waterloo-road, Lambeth, Surrey, tailor.—*Samuel Brown*, New-cross, Deptford, Surrey, ladder maker.—*Edward Houston*, Victoria-place, Portland-place South, Clapham-road, commission agent.—*Isaac Greenslade*, Eaton-lane North, Victoria-road, Pimlico, tailor.—*Grace Cooper*, Paddington-green, Paddington, out of business.—*Wm. W. Dixon*, Park-terrace, King's-road, Chelsea, plumber.—*Thos. Callis*, Ferdinand-street, Hampstead-road, retailer of beer.—*Samuel Godfrey*, Albion-st., Waterloo-town, Bethnal-green, horse slaughterer.—*John Parkes*, Riley-street, King's-road, Chelsea, omnibus driver.—*Thomas South*, Mill place, Broad-street, Lambeth, Surrey, baker.—*Benj. Huskwyte*, Hockley-street, Water-lane, Hackney, bricklayer.

*Court-house, EXETER, Devonshire, Aug. 8 at 10.*

*Wm. Copp*, Pilton, beerseller.—*Richard Hext*, Shute-farm, Bovey Tracey, farmer.—*John Elford Hoar*, Plymouth, innkeeper.—*Wm. Bowden*, Witheridge, builder.—*Fred. Wm. Bonter*, Devonport, naval instructor.—*Samuel Powlesland*, Sampford Courtnay, carpenter.—*Joseph Bray*, Stoke Damerel, victualler.—*John K. Chandler*, Huntsbaw-wood, out of business.—*Jane H. Maddocks*, Newton Bushell, schoolmistress.—*Wm. Chapple*, Ottery St. Mary, out of business.—*W. Martin*, Tiverton, farmer.—*J. M. Pitts*, Sidmouth, lodging-house keeper.—*John Blackmore*, Torquay, retailer of beer and cider.—*George F. Parker*, Plymouth, naval instructor.—*J. A. Gifford*, Plymouth, attorney at law.—*John C. Jackson*, Lympston, out of business.

*Court-house, EXETER, (City), Aug. 8 at 10.*

*James Incedon*, Exeter, confectioner.—*Chas. H. Hunt*, Exeter, wine and spirit merchant.—*Anthony Vicary*, Exeter, out of business.—*John Clark*, Exeter, fishmonger.—*J. Clark*, Exeter, wheelwright.—*Charles Gregory*, St. Sidwell, painter.—*Henry Priston*, St. Thomas the Apostle, builder.

*Court-house, SHREWSBURY, Shropshire, Aug. 9 at 10.*

*Thomas L. Rogers*, Knuckin, near Oswestry, farmer.—*G. Bishon*, Donnington, estate agent.—*George Jones*, Horse Hayes, near Dawley, labourer.—*Richard Bird*, Hepeasy, near Bishop's Castle, former.—*John Thomas*, Maesbrook Issa, near Oswestry, farmer.—*P. Sambrook*, Wellington, labourer.—*E. Bromley*, Lowerwood, near Stutton, widow.—*John Mackay*, Wellington, estate agent.—*John Willsher*, Broseley, schoolmaster.—*Edward Davies*, Pontfaen, near Oswestry, out of business.—*Edwin Shaker*, Dawley-green, near Wellington, shopkeeper.—*James Cadman*, Wellington, collier.—*Robert Cadman*, Caw-wood, near Wellington, collier.

*Court-house, DOLGELLY, Merionethshire, Aug. 9 at 10.*

*Thomas Jones*, Llannymawddry, farmer.—*David Jones*, Festiniog, flour dealer.—*Emma Mayrich*, Maentwerry, widow.

—*Robert Price*, Dolwen, near Bala, labourer.—*Wm. Jones*, Llanegryn, pig merchant.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Edward Maystone*, Norwich, grocer, at Beckwith & Co.'s, Norwich: 7d. in the pound.—*Wm. Hutchings*, Powderham, Devonshire, farmer, July 25, Furlong's, Exeter: 20s. in the pound.—*Richard Frost Burton*, Cambridge-heath, Hackney, coal merchant, at Gamman's, 68, Wapping-wall: 2s. 6d. in the pound.—*James Sharp*, Poole, cabinet maker, at Aldridge's, Poole: 1s. 3½d. in the pound.

#### FRIDAY, JULY 21.

##### BANKRUPTS.

**HENRY ANDREWS and CHARLES TWINING**, Hope Brewery, Peckham, Surrey, brewers, and retailers of beer, July 28 at 2, and Aug. 29 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Roberts, Bride-court, Blackfriars.—Fiat dated July 14.

**WILLIAM WHITE**, jun., Aldersgate-street, London, chemist and druggist, July 28 at 11, and Aug. 29 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Watson & Broughton, Falcon-square.—Fiat dated July 17.

**THOMAS LLOYD JONES**, Wimborne Minster, Dorsetshire, surgeon and apothecary, Aug. 5 at half-past 11, and Sept. 16 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Bryant, Wimborne, Dorsetshire; Dean, 109, Guildford-street.—Fiat dated July 17.

**HENRY ELLIS**, Norwich, draper, July 28 at half-past 11, and Sept. 16 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Ashurst, 137, Cheapside.—Fiat dated July 12.

**JOSEPH STARLING**, Southampton, hatter, July 29 at half past 2, and Sept. 15 at half-past 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Smith, 27, Bridge-street, Southwark.—Fiat dated July 14.

**JOHN GRAY**, Jarrow, Durham, timber merchant, Aug. 1 at 12, and Sept. 5 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Ingledew, Newcastle-upon-Tyne; Williamson & Hill, Gray's-inn.—Fiat dated July 14.

**JOHN ORAM**, Chard, Somersetshire, lace manufacturer, Aug. 3 and 29 at 2, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Dommett, Chard; Terrell, Exeter; Church, Bedford-row.—Fiat dated July 15.

**GEORGE HEWITT and GEORGE HEWLETT**, Manchester, woollen drapers and tailors, Aug. 3 and 30 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Atkinson & Saunders; Makinson & Sanders, 3, Elm-court, Middle-Temple.—Fiat dated July 19.

**WILLIAM HENDERSON and JAMES HENRY VEYSEY**, Gloucester, manufacturing chemists, July 31 at 2, and Aug. 31 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Manning, Dyer's-buildings, Holborn.—Fiat dated July 10.

**EDWARD EARDLEY**, Exeter, china dealer, July 26 and Aug. 29 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Bruton, Exeter: Clipperton, Bedford-row.—Fiat dated July 13.

##### MEETINGS.

*John Harford and William Weaver Davies*, Bristol, and of Ebbw Vale and Sirhowy, Monmouthshire, iron masters, July 26 at 11, District Court of Bankruptcy, Bristol, ch. ass.—*J. H. Fuller*, Flixton, logwood grinder, July 31 at 11, District Court of Bankruptcy, Manchester, last ex.—*W. Esley*, Manchester, shoe maker, Aug. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—*G. Seecombe and S. Seecombe*, Tavistock, Devonshire, and Bude, Cornwall, tailors, Aug. 16 at 12, District Court of Bankruptcy, Exeter, last ex.—*James Stoodley*, Bridport, Dorsetshire, twine manufacturer, Aug. 16 at 11, District Court of Bankruptcy, Exeter, last ex.—*Thomas Price*, Liverpool, baker, Aug. 17 at 12, District Court of Bankruptcy, Liverpool, last ex.—*John Lucas*, Gosport, Southampton, linen draper, Aug. 11 at 1, Court of Bankruptcy, London, and ac.—*Geo. Tattersall*, Noble-street, London, hoster, Aug. 11 at half-past 1, Court of Bankruptcy, London, and ac. and div.—*W. T. Wren*, Chichester, Sussex, brewer, Aug. 11 at 1, Court of Bankruptcy, London, and ac. and fin. div.—*J. P. Field*, Goring, Sussex, brewer, Aug. 11 at half-past 12, Court of Bankruptcy, London, and ac.—*Theo. Walker*, Kirkstall,

Leeds, Yorkshire, brewer, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Elizabeth White and Ellis Leith*, Worktop, Nottinghamshire, machine makers, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Jas. Broadley*, Leeds, Yorkshire, victualler, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Hen. Pearson*, York, attorney at law, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, fin. div.—*H. Lonsdale*, Sheffield, Yorkshire, grocer, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Richard Marsden*, Elland, Halifax, Yorkshire, woollen-cloth manufacturer, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Peter Thos. B. Hembrough*, Wakefield, Yorkshire, worsted manufacturer, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Jas. T. Bradley and Wm. Bradley*, Leeds, Yorkshire, ironmongers, Aug. 12 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Aug. 15 at 11, div.—*Hen. Sidebotham and Thos. Lewis*, Haughton, Lancashire, and Manchester, cotton manufacturers, Aug. 16 at 12, District Court of Bankruptcy, Manchester, sud. ac. joint est. and sep. est. *H. Sidebotham*; Aug. 17 at 12, div.—*Hannah Simmonds*, Leamington-priors, Warwickshire, milliner, Aug. 12 at 1, District Court of Bankruptcy, Birmingham, sud. ac.—*Chas. Hen. Webb*, Forebridge, Staffordshire, corn dealer, Aug. 15 at 1, District Court of Bankruptcy, Birmingham, sud. ac.; Aug. 16 at 11, div.—*R. Onibere and Edw. Butler*, jun., Birmingham, woollen drapers, Aug. 15 at 11, District Court of Bankruptcy, Birmingham, sud. ac.—*Henry Brown and James Coombs*, Windsor, Berkshire, bankers, Aug. 11 at 12, Court of Bankruptcy, London, fin. div.—*Jas. Whitfield*, Tooley-st., Southwark, grocer, Aug. 14 at 12, Court of Bankruptcy, London, div.—*Edward Turmaine*, Canterbury, porter and ale merchant, Aug. 14 at half-past 11, Court of Bankruptcy, London, div.—*J. Richmond*, Lime-street, London, merchant, Aug. 14 at 11, Court of Bankruptcy, London, div.—*Thos. Carter*, Stafford, builder, Aug. 3 at 1, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Geo. Tutterell*, Noble-street, London, hostler, Aug. 11 at half-past 1, Court of Bankruptcy, London.—*George Reach*, Bardwell, Suffolk, miller, Aug. 11 at half-past 12, Court of Bankruptcy, London.—*Jacob B. Cooper*, Harleston, Suffolk, coal merchant, Aug. 11 at 12, Court of Bankruptcy, London.—*Th. Stripling*, North-hill, Colchester, Essex, coach maker, Aug. 16 at 1, Court of Bankruptcy, London.—*Vincent Wastcroft*, Liverpool, merchant, Aug. 15 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Lampen*, Devonport, linen draper, Aug. 16 at 1, District Court of Bankruptcy, Exeter.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 11.*

*Jos. Pooley*, Maidstone, Kent, timber merchant.—*James Stobbs*, Worthing and Brighton, Sussex, coach maker.—*Robt. Griffiths*, Nine-elms, and Belmont-place, Vauxhall, Surrey, coal merchant.—*William Penn*, Canterbury, Kent, cabinet maker.—*Nathaniel Dickenson*, Ancoats, Manchester, dyer.—*Hannah Simmonds*, Leamington-priors, Warwickshire, dealer and chapwoman.—*Mark Pearson*, Workington, Cumberland, chemist.—*Arthur Nield*, Shaw-edge, Crompton, Oldham, Lancashire, cotton spinner.—*Geo. Forster*, Sunderland, Durham, iron manufacturer.—*Alfred Stocken and Wm. Utton*, Halkin-street, Belgrave-square, coach makers.—*Henry John Welkinson*, Hightown, Birstall, Yorkshire, card maker.—*Jas. Blake*, Sunderland, Durham, and Kingston-upon-Hull, tinmer.—*Henry Johnstone*, Sheffield, Yorkshire, coach maker.—*Wm. Peate*, Shrewsbury, Shropshire, grocer.

## FIATS ANNULLED.

*Alfred Elam*, Oxford-street, Middlesex, and *Henry Elam*, Huddersfield, surgical instrument makers.—*Thomas Berry*, Lewes, Sussex, brewer.—*John Dent*, Burnley, Lancashire, grocer.

## SCOTCH SEQUESTRATIONS.

*Andrew Marshall*, Lilly-bank Toll-bar, near Dundee, machine maker, deceased.—*Wm. Brakinrig*, Edinburgh, grain merchant.—*Wm. Peacock*, Little Keithock, Cargill, Perthshire, grain dealer.—*Thos. Hislop*, Alloa, grocer.—*Archibald Wm. Dumbreck*, Edinburgh, farmer.

## DECLARATIONS OF INSOLVENCY.

*John Brooke*, Liverpool, copper.  
*Robert Scott*, Milman's-row, Chelsea, surgeon.  
*Geo. Fred. Ryan*, Nassau-street, Soho, minister.  
*Alex. Smart*, South Audley-street, Grosvenor-square, Middlesex, watch and clock maker.  
*John Blatherwick*, Warner-gate, Nottingham, lace cap maker.  
*Edward Wells*, Salford, Lancashire, mechanic.  
*John Unwin*, Sheffield, Yorkshire, licensed victualler.  
*Thos. Pemberton*, Oswestry, Shropshire, innkeeper.  
*John Geo. Evison*, Liverpool, bookkeeper.  
*John Lee*, Ettingsall, Sedgley, Staffordshire, baker.  
*John Blakeley*, Flockton, Thornhill, Yorkshire, stone mason.  
*Thomas Scott*, Manchester, general agent.  
*John M. Frankom*, King-street, Soho, Middlesex, licensed victualler.  
*John Williams*, Leamington-priors, Warwickshire, surgeon.  
*George Holden*, Liverpool, professor of music.

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, STAFFORD, (County), Aug. 11 at 10.*

*Thomas Smith*, Wolverhampton, grocer.—*Wm. Woolley*, Burton-upon-Trent, grocer.—*Abraham Jeavons*, sen., Bilston, retailer of beer.—*W. B. Lyceott*, Brierley-hill, surgeon.—*P. Law*, Sedgley, cooper.—*John Lea*, Walsall, out of business.—*Thomas Webb*, Bilston, iron moulder.—*William Reynolds*, Hinksford, farmer.—*John Stanley*, Stafford, attorney at law.—*John Williams*, Walbrook, chemist.—*Mary Pratt*, Bilston, out of business.—*Thomas Hilditch*, Keele, brewer.—*M. M. Lockley*, Wolverhampton, out of business.—*John Wiles*, Darlaston, gun-lock filer.—*George Hall*, Shelton, cabinet maker.—*Richard Bennett*, Kingswinford, miner.—*Edw. Robinson*, Tipton, grocer.—*Thomas Davies*, West Bromwich, barber.—*John Shepherd*, Dudley, shoemaker.—*Rich. Bailey*, Gnosall, out of business.—*Joseph Allen*, Darlaston, butcher.—*Thomas Peakes*, Burton-upon-Trent, butcher.—*J. Daniel*, Audley, miner.—*Thos. Dickinson*, Burton-upon-Trent, bricklayer.—*Saml. Shutt*, Shelton, eating-house keeper.—*Thomas Barnett*, Bagnall, Stoke-upon-Trent, farm labourer.—*James Wright*, Kingswinford, miner.—*Richard Stanton*, Dudley, carpenter.—*George Stubbs*, Ecclehall, butcher.—*Geo. Goldsmith*, Shelton, tea dealer.—*James Potts*, Stoke-upon-Trent, out of business.—*George Griffiths*, jun., *Wm. Griffiths*, *Jos. Griffiths*, and *Daniel Griffiths*, Darlaston, gun-lock filers.

*Court-house, OLDBURY, Shropshire, Aug. 14 at 10.*

*Wm. Pearson*, Tipton, Staffordshire, brick maker.—*John Millard*, West Bromwich, miner.—*Jos. Worley*, West Bromwich, brick maker.

*Court-house, CARNARVON, (County), Aug. 11 at 10.*

*Arthur Ashley*, jun., Carnarvon, commission agent.

*Court-house, DORCHESTER, Dorsetshire, Aug. 11 at 10.*

*Adam Domoney*, Iwerne Minster, builder.—*Robt. Patten*, Bridport, brewer.—*David Hussey*, Stoke Abbott, cordwainer.—*John Slader*, Symondsbury, dairyman.—*James Andrews*, Shaston St. James, gardener.—*Mark Newman*, Bradford Abbas, carrier.—*Fred. Didedull*, Sherborne, Dorsetshire, whitesmith.—*Wm. Patten*, Bridport, mason.—*Frederick Masters*, Bradford Abbas, carrier.—*W. Coombs*, Cranborne, labourer.

*Court-house, SALISBURY, Wiltshire, Aug. 14 at 10.*

*Thomas King*, Pewsey, harness maker.—*Jacob Pearce*, Potterne, blacksmit.—*James Lucas*, Trowbridge, livery-stable keeper.—*John Wm. Edginton*, Salisbury, brass founder.—*T. M'Pherson*, Swindon, tailor.—*Stephen Wiles*, Chippenham, clock and watch maker.

*Court-house, BEAUMARIS, Anglesey, Aug. 14 at 10.*

*Fras. Henry Redding*, Glanrhyd, Llanfechell, surgeon.

## INSOLVENT DEBTORS' DIVIDENDS.

*B. W. Bbhart*, Chelsea-college, retired lieutenant in the East India Company's service: 10s. 4d. in the pound.—*Jos. Powell*, sen., Codley, near Dursley, Gloucestershire, farmer: 10s. 4d. in the pound.—*John Lees*, Stourbridge, Worcestershire, cabinet maker: 7s. 6d. in the pound.—*John Garner*, Yoxall, Staffordshire, surgeon: 1s. 6d. in the pound.—*Joseph Megson*, Hagga-lane-end, Alverthorpe, Yorkshire, weaver: 1s. 4d. in the pound.—*James Mamouring*, Tunbridge-wells, Kent, draper: 1s. 8d. in the pound.—*Josiah Sothers Osley*, High-st., Gravesend, Kent, grocer: 2s. 6d. in the pound.—

*Alexander Remington*, Rugeley, Staffordshire, cabinet maker: 3s. in the pound.—*Matthew Hanson*, jun., Commercial-road, Surrey, attorney's clerk: 3s. 4d. in the pound.—*G. Loggan*, Charlotte-st., Portland-pl., captain in the 92nd Foot: 1s. 5d. in the pound.—*Jas. Hemus*, Birmingham, butcher: 1s. 8½d. in the pound.—*John Chas. Jumpsen*, Stockwell, Surrey, no business: 3s. in the pound.—*Matthew Barrett*, Garden-row, London-road, Southwark, victualler: 2s. in the pound.—*W. Daniels*, Walton on the Naze, Essex, draper: 2s. 8d. in the pound.

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

## MEETING.

*Thomas Wilson*, Liverpool, painter, Aug. 8 at 10, Ward's, Prescott, sp. aff.

The Queen has been pleased to appoint *Richard Graves M'Donnell, Esq.*, to be Judge of her Majesty's Settlements in the Gambia.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed *Philip Octavius Jervis*, of Bishops Castle, Shropshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

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# The Jurist

No. 342.

LONDON, JULY 29, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, JULY 29, 1843.

MUCH fault has, we believe, frequently been found with the well-established rule of Courts of Equity, not to *have* on a petitioner in a suit for specific performance the acceptance of a doubtful title. That such an objection should be made by persons who, though skilled in the common law, are unimbued with the principles of equity jurisdiction, is not surprising. To them it must naturally appear singular that a Court of Justice should refuse to determine a question of title appearing to come before it regularly for its consideration. But it is a little surprising to find so distinguished an equity lawyer as Sir Edward Sugden appearing to disapprove the doctrine of equity on this point, and regretting that such a rule should have been adopted, as that a Court of Equity should refuse to force a doubtful title on a purchaser. (See *Vend. & Purch.*, 9th ed., p. 340).

The disapprobation which, as we have observed, is so frequently expressed of the rule, appears to us to be grounded on a misapprehension of the principle on which equity proceeds, in exercising its jurisdiction in specific performance. It should be remembered, that a bill for specific performance is not framed on the principle of asking the court *directly* to decide upon legal title. The point directly submitted for the determination of the court is, whether there is a binding agreement; but as to the title to the subject-matter of the agreement, what is asked in specific performance is, the equitable interposition of the court to assist the plaintiff, assuming that he has a legal title to that which he has contracted to sell, by compelling the defendant to do some act by which the intention of the agreement may be carried into effect.

It is quite true that a Court of Equity is also in some sense a Court of Law; that is, that it is in considering questions of law bound by the rules of law, and is presumed to be cognisant of the law. And it may be true

that in some kinds of suits, it is called upon directly to determine questions of law; but such is not the frame of a suit for specific purpose. Such a suit does not bring questions of legal title directly before the court, and it is not therefore bound to decide them. If a purchaser brings an action against his vendor for recovery of the deposit, on the ground that the vendor cannot make a title, the question of title in the vendor is brought before the court in such a way that it cannot escape the decision. The very question that the court has to consider, is, whether the vendor has a good title; because if he has, there is breach of the agreement by the purchaser; and if he has not, there is breach of the agreement by the vendor; and the court cannot determine whether there is legal damage done to the plaintiff entitling him to recover, without determining the point of title at law. The frame of the action, as indeed is, we believe, the frame of every action at law, in any question at least of title, is not to ask the court to do any thing, but only to ask it to determine which of the contending parties has a given legal right. The mode of enforcing that right depends upon ulterior proceedings; but in the original action, all that is asked or obtainable is the determination of the court on the question who has the legal title. Now in equity, the very principle of the jurisdiction is, that the court is asked to do something, or rather to compel one of the parties to do something. It is not and cannot be asked to do anything except in aid of a legal title; and this flows from the very foundation and nature of the jurisdiction on specific performance, which is not to interfere with the jurisdiction of courts of law, and to assume to determine any very doubtful question of legal title, but to act directly by its decree upon the person who is under a legal liability, and to compel him to do such acts as are necessary to clothe the person having the legal right with the legal title.

It may be asked, how then is it that Courts of



Equity do not in every case of specific performance send the title to law? How is it that they ever assume to determine that a vendor has a good title, and force it upon the purchaser? The answer is, that a judge in equity is a judge of the law; and though the form of a suit for specific performance is not, as we have observed, such as to render it requisite for him to determine directly the question of legal title, yet, if he thinks fit, he may pronounce an indirect opinion on the title, by decreeing a performance of the contract. The truth is, he is asked to order the defendant to do certain acts, if his judicial conscience is satisfied, among other things, that the plaintiff has a good title at law; but if his conscience is not so satisfied, and if he cannot satisfy it without extrinsic aid, he is by the very constitution of the suit absolved from making any decree until the party of whose legal title he has doubt, shall satisfy him. It is no doubt very unusual for a Court of Equity, after putting a party to establish his legal title by proceedings in a Court of Law, to refuse to act in aid of the title certified by the determination of a Court of Law to be good. But we apprehend it to be clear, that, upon the principles of equity jurisdiction, it would be competent to a Court of Equity to refuse to interfere. Indeed, the determination in *Blosse v. Clanmorris*, (3 Bligh, 62), to which Sir E. Sugden refers with disapprobation, and in which the House of Lords, itself the tribunal of ultimate appeal as a Court of Law, thought fit, when sitting in appeal as a Court of Equity, to refuse to force on a purchaser a doubtful title, shews the principle of the rule under discussion, and the great length to which the distinction between a Court of Equity acting only as ancillary to equitable title, and a Court of Law determining legal title, is carried.

So much for the principle on which the rule is founded, a principle which we take to be perfectly clear and intelligible. With regard to its practical convenience and utility, they stand on the same ground as the utility of all that branch of equitable jurisdiction which consists in aiding legal title by means of its compulsory powers. Of the value of that jurisdiction to a people, whose law of real property is based on the rules of an uncommercial state of society, while their actual state is that of the most refined and complex commerciality, little need be said. The subject has been exhausted by the most able equity lawyers and jurists of this country and of America. By the latter country the system of English Equity, as a separate jurisdiction, has been not merely acquiesced in because found in existence, but deliberately imported, from a conviction of its practical benefit. Cases there may be undoubtedly, (and the cases of doubtful title in specific performance may be such), in which the application of the principles of equity jurisdiction may work a partial inconvenience; but the rules acted upon in those cases are the inevitable consequences of the principles applicable to the class of which they form part, and different rules could not well be adopted without breaking down the barrier which distinguishes equitable from legal jurisdiction, and sacrificing to the urgency of exceptional cases, the benefit resulting from the general applicability of distinct principles.

## Correspondence.

## USES TO BAR DOWER.

TO THE EDITOR OF THE JURIST.

Sir,—Since I addressed you on this subject, my attention has been directed to an article on Remainders in the Penny Cyclopædia, attributed to Mr. George Long, in which the effect of the limitation in question is discussed; and the opinion that it confers a vested remainder on the trustee is maintained. The learned writer states the limitation, with the words to which I object, as being an apparent exception to Fearn's first class of contingent remainders, (viz. "where the remainder depends entirely on a contingent determination of the preceding estate itself"), and, after citing Fearn's remark, that "the present capacity of taking effect in possession, if the possession were to become vacant, and not the certainty that the possession will become vacant before the estate limited in remainder determines, universally distinguishes a vested remainder from one that is contingent," proceeds—"If we adopt this test, it is clear that the limitation to trustees to preserve contingent remainders, is not a limitation of that kind which is included in the first class of contingent remainders; for the limitations in remainder of that class are to take effect as limitations only on the happening of a specified contingent event, which determines the pending estate, and not on the happening of other events, which may or must determine the pending estate." This, Sir, is the same in substance with a remark of your own in the answer with which you have honoured my communication. But I submit, that the remainder, being limited to take effect only in case the particular estate determines by an event which may never determine it, falls within the express terms of Mr. Fearn's first class, "where the remainder depends entirely upon a contingent determination of the preceding estate itself;" the existence of which class Fearn has fully demonstrated; thus proving that the two classes of contingent remainders mentioned by Willes, C. J., in *Parkhurst v. Smith*, do not include all possible contingent remainders. Innumerable cases of contingent remainders may be put, where the person to take is in esse and ascertained, and the event upon which he is to take is not collateral to the determination of the particular estate\*. Put the converse case of a limitation conditional on the "non-determination of the particular estate by forfeiture, &c.," and the fallacy of Mr. Long's argument will at once be seen. Thus, to A. for his life, and in case A.'s estate determines by his death in the lifetime of B., to B. for his own life:—an undoubted contingent remainder. If you direct a remainder to take effect only in case the previous estate ends by one of several possible modes of ending, it is contingent for that reason, and not the less contingent, if, retaining that direction, you corroborate it by so modelling the estate in remainder itself, as to have expired in any other event.

But Mr. Long's principal argument in the article alluded to, and which in substance appears to be the same with your chief objection to my position, only more fully developed, is contained in the following passage:—

"An estate to A. for life, with remainder to B. during the life of A., would be a void remainder, but for the legal possibility of A.'s estate being forfeited or sur-

\* See, however, some remarks by Mr. Hayes, (Introd. to Conv., vol. 1, p. 554), to the effect, that any special determination of the particular estate, when selected as the condition of the vesting of a remainder, should properly be considered as an event collateral to the determination of that estate generally, and, in this sense, no doubt, the word "collateral" was used by Chief Justice Willes.

rendered in his lifetime\*. This legal possibility is also considered as one of the regular modes in which A.'s estate may determine, that is, as one of the modes by which it is liable to determine according to the nature of the original limitation. For if it is not so considered, the estate to B. is in the nature of a conditional limitation: how an estate might be limited upon the determination of A.'s life estate by forfeiture or otherwise in his lifetime, either for the period of A.'s life or for a longer period than for A.'s life, as, for instance, to B. and his heirs. But such a limitation to B. and his heirs is in the form of a contingent remainder; for, by the form of the limitation, it is made upon a condition which may never be fulfilled; and there is a mode by which A.'s estate must determine, namely, by his death, in which event nothing is limited to B. and his heirs. If the estate to B. and his heirs were limited upon any determination of A.'s estate in his lifetime, or upon the death of A., it would be a vested remainder, for it would be limited in all events, and, therefore, not conditionally limited. Now, the estate to the trustees to preserve contingent remainders during the life of A., only differs from such last-mentioned limitation, in not containing any limitation upon the event of A.'s death. But a limitation to the trustees, upon the event of A.'s death, is unnecessary for the purpose of giving a vested remainder, because the estate limited to the trustees determines with A.'s life. There is therefore no contingent event upon which the estate to the trustees during the life of A. is limited; but it is limited at all events, that is, unconditionally, and, therefore, it is not a contingent remainder."

"A difficulty arises from the form of the words in which the limitation is made, for the estate is limited upon the determination &c. of A.'s estate, and these words apparently express a condition. But these words in themselves are not words of condition any more than a limitation to A. for life, and upon his death to B. and his heirs; they merely denote the events, on the happening of which the estate is to take effect in possession. The events which are to determine the life estate of A., and upon which the limitation over is made, are not extrinsic events, such as the return of B. from Rome. A limitation over on the event of B.'s returning from Rome, would be a conditional limitation to defeat A.'s life estate. But the events to which A.'s life estate may determine before his death are events to which such an estate is incident, and these events may fix its measure as well as the death of A. The estate to the trustees for the life-estate of A. is therefore clearly an estate analogous in its limitation to an estate limited over on the death of A., the only difference being that A.'s death is an event that must happen, and the forfeiture &c. are events which may happen. An estate limited over by way of remainder upon the happening of any of all the events by which the previous estate may determine, is clearly not a contingent remainder within any of the four classes defined by Fearn. But the estate to the trustees and their heirs generally upon the determination of A.'s estate in his lifetime by forfeiture or otherwise, without adding 'during the life of A.' is clearly conditional; for by the terms of the limitation nothing is limited to the trustees

except in the event of A.'s estate determining in certain ways in which it may determine, and nothing is limited in the event of its determining by his death, an event that must happen[?] It is not the words, upon the determination of A.'s estate by forfeiture or otherwise in his lifetime, which make the estate to the trustees and their heirs generally a limitation of a remainder upon a condition; but it is the circumstance of their estate being for a longer period than the life of A., and nothing being limited to them in the event of A.'s estate determining by his death, which renders the limitation conditional. This kind of contingent remainder is however hardly included in Fearn's first class, and it seems to form a fifth class of contingent remainder."

As the issue is thus brought to a question of material consequence to the general doctrine of remainders as well as to immediate practice, I trust you will allow me space for a few further remarks, premising, that, ever since the well-known controversy between Douglas and Fearn, (Dougl. 754; Fearn, C. R. 15), it has been admitted that a merely verbal difference may be of paramount importance in determining the effect of a limitation; so that a devise to A. until C. shall return from Rome, and in case C. returns from Rome, then immediately to B. and his heirs, operates as a contingent remainder to B. within Fearn's first class, while a devise to A., and in case C. returns from Rome then immediately to B. and his heirs, is no remainder, but an executory devise to B.; and if the fee-simple had been limited in each case to A., the limitation to B. in the first case would have been void, but in the second case would have been good. (Fearn, 14, 263, Cr. El. 360). In fact, every limitation of a contingent remainder, destructible as such, may be so moulded as to be capable of taking effect, upon precisely the same conditions as an executory limitation, indestructible. Any arguments, therefore, founded on the substantial effect of a limitation, without regard to its form, must be received with extreme caution.

The limitation, it must be conceded, comes within the letter of Fearn's description of his first class as "a remainder which depends entirely on a contingent determination of the preceding estate itself." Omit the words "in A.'s lifetime," and it does not come within either the letter or the spirit of that direction; insert them, and there is nothing in Fearn's Treatise or in any of the authorities to distinguish it from that class.

Falling thus literally within the definitions which are generally received; being a remainder limited in terms, to commence, vest, or take effect only in case an event happens, which may never happen; this remainder, if it is to be made an exception to the general rule, and be taken as vested, must be so excepted and taken on the ground that its nature is incompatible with some property or incident which is essential to every contingent remainder. Now, the learned reader will easily perceive that the only peculiarities ordinarily distinguishing contingent from vested remainders, and material to be noticed in this inquiry, are these,—that the former may fail by reason of the non-happening of the event on which it is limited to take effect; (this is the definition of a contingent remainder); the latter can only fail by its expiration. That the former may be destroyed by the act of the particular tenant, the latter cannot; and that the former, if interposed between a particular estate and a vested remainder limited to the same person, does not prevent their union sub modo; and is not destroyed by such union, but is destroyed by the conveyance of such united estates to a stranger pending the contingency.

Now, the first property evidently belongs to the remainder in question. The second, the liability to destruction by the act of the pending tenant, is not an essential property of a contingent remainder; for example, a limitation to A. for life, and after the determination

\* Is this quite so clear? Suppose the owner of the fee makes a lease to A. for his life, reserving a rent, cannot he afterwards grant the reversion, with the rent as incident to it, to B. for the life of A.? And if he can do this, is there no way of limiting in the original lease the same reversion to B. for the same estate, by way of remainder, so as to carry the right to the rent; and therefore, so as to be operative, though a forfeiture or surrender by A. were impossible? The law is very obscure as to the right of the remainder-man to rent reserved upon the creation of the particular estate. This much is clear, that a freehold remainder-man is entitled to rent made payable by a particular tenant for years.

of that estate in his lifetime, to B. and his heirs for ever, gives a contingent remainder to B., which cannot be destroyed by A. The third peculiarity, also, is obviously not essential to a contingent remainder; since many may be so limited as not to afford an opportunity of exhibiting it; of which class of remainders a limitation to A. for life, and after the determination of that estate in his lifetime to B. and his heirs, but if A.'s estate shall not determine in his lifetime, to A.'s right heirs, is an example.

These are the only important characteristics of contingent remainders that I can think of. There is, however, one important characteristic of a vested remainder which the limitation in question does not possess, and the absence of which seems to me to be decisive against its vesting. It is this: that, where there is a vested particular estate, a remainder in fee limited upon it is vested, unless into the limitation of such remainder a new contingency is imported. (See *Fearne*, 222, et seq.). Now, let the limitation run thus: To the use of A. for his life, and after the determination of that estate in his lifetime, to the use of B. for the life of A.; and after the determination of B.'s estate, to the use of C. and his heirs; but in case A.'s estate shall not determine in his lifetime, to the use of D. and his heirs. The limitations to C. and D. are unquestionably neither of them shifting uses, but are remainders upon a contingency with a double aspect; yet if B.'s estate is vested, C.'s remainder upon it must be vested also; for there is no contingency expressed in the limitation of that remainder. The contingency, if not contained in the limitation to B., (as I contend it is), first appears in the limitation to D.; but a contingency to prevent the effect of a limitation, first introduced into the limitation which follows, makes the latter no remainder, but a shifting use. (*Fearne*, p. 13).

The advocates of the limitation in question must point out something in its nature giving it the effect of preventing that union of the estates on each side of it, which can only be prevented by an interposed vested estate; and this is the really material part of the whole discussion. A limitation after the determination of A.'s life estate in his lifetime to B. and the heirs of his body, or to B. for his own life, is admitted to be insufficient; what plausible reason can be assigned for holding a still smaller estate, limited upon the same condition, to be sufficient? Suppose the limitation were to B. and his heirs during the life of the survivor of A., B., and C., that is allowed to be contingent, and A. has a present vested estate of inheritance in possession, liable to dower. B. and C. then die, living A., does the remainder to B. and his heirs thereupon vest, and A.'s inheritance suddenly change from being an estate in possession to a remainder? If so, the vesting of the remainder to B. depends, not upon the contingency expressed in its limitation, but upon a different contingency supplied by legal intendment; so that here we have a new class to add to the four enumerated by *Fearne*. In short, I contend, that the limitation in question comes both literally and substantially within the recognised definition of a contingent remainder; that it wants no property which a contingent remainder must have; and that no authority has been produced in support of the distinction attempted to be founded on the duration of the estate, or in support of the extraordinary doctrine that a right of entry upon a forfeiture may be limited to a stranger in estate, and that a surrender may be made to one whose estate is not to arise until such surrender has been made.

I would beg in conclusion to be allowed a few words on the effect anticipated to be produced upon the judgment of the court, in case this question should be litigated, by the practice of conveyancers. That practice could only be called in aid of a decision avowedly founded upon a violation of the principles of the common law. I am not aware of any precedent for such a course. In mat-

ters of equitable jurisdiction, based upon considerations of expediency, as in the case of separate estate, the courts have spoken with deference of the practice of conveyancers; but, since the days when judges repealed the Statute of Uses, and established recoveries as common assurances, I believe there will not be found even a dictum in favour of controlling the technical rules of the common law as to real property upon such authority; and even were this not so, cases might easily arise in which the court must be deaf to any such appeal. Equity will not force a doubtful title upon a purchaser. Now, if this objection were urged in a suit for specific performance, and the court considered it sound upon principle, how could it force the title upon the purchaser, on the speculation, that, if the widow made her claim, a court of law would disregard the law, and dismiss her, on the authority of the conveyancers? There would be no means of compelling the widow to try her right. I do not pretend to defend the rule of equity as to doubtful titles, or even to understand the grounds of it; but it is easy to see, that this might be a very fair case for the application of that rule. (See *Bosse v. Clanmorris*, 3 Bligh, 62; *Shepherd v. Smith*, 1 Bro. C. C. 75; 3 You. & J. 175). G. S.

## London Gazettes.

TUESDAY, JULY 25.

### BANKRUPTS.

**ENDERBY LAUGHTON**, Wisbech St. Peter's, Cambridge-shire, brewer, Aug. 3 at 2, and Sep. 4 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Abbott & Co., 8, New-inn.—Fiat dated July 12.

**JACKSON BARWISE**, Pall-mall, house decorator and paper hanger, Aug. 3 at 12, and Sep. 4 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Surr, Lombard-street.—Fiat dated July 20.

**FREDERICK PRYOR EVERETT**, Reading, Berkshire, draper, Aug. 3 at half-past 10, and Aug. 31 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Tilleard & Son, Old Jewry.—Fiat dated July 11.

**GEORGE FREDERICK WIDNELL**, Edgeware-road, stationer, Aug. 1 at 11, and Aug. 31 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Shackle, 23, Tokenhouse-yard.—Fiat dated July 15.

**JOHN RUSSELL SPENCER**, Halstead, Essex, tanner, Aug. 1 at 12, and Aug. 31 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Dodd, 33, New Broad-st.—Fiat dated July 21.

**EDWARD HIPKINS**, Egremont, Cheshire, coal dealer, and Liverpool, commission agent, Aug. 11 at half-past 12, and Aug. 31 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Francis & Dodge, Liverpool; Bridger & Blake, 32, Finsbury-circus.—Fiat dated July 18.

**JOHN COWHERD**, Hugill, Kendal, Westmoreland, miller and maltster, Aug. 1 at half-past 2, and Sep. 5 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Harrison, Kendal; Addison & Harrison, 8, Mecklenburg-square.—Fiat dated July 14.

**WILLIAM PULLEN**, St. George, Gloucestershire, licensed victualler and brewer, Aug. 9 at 12, and Sep. 6 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Hellinges, and Messrs. Mant & Harvey, Bath; Jones & Blaxland, Crosby-square, London.—Fiat dated July 15.

**JOHN HEDDERLY**, Nottingham, druggist, Aug. 9 and Sep. 9 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Brewster, Nottingham.—Fiat dated July 14.

**WILLIAM BROOMHEAD**, Birmingham and Sheffield, merchant, Aug. 2 at 1, and Sep. 5 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. James, Birmingham.—Fiat dated July 19.

### MEETINGS.

*Richard Goody* and *William Edward M'Kee*, Kingston-upon-Hull, millers, Aug. 23 at 11, District Court of Bankruptcy, Leeds, last ex.—*D. Sharp*, All Saints, Southampton,

attorney at law, Aug. 15 at 2, Court of Bankruptcy, London, and ac.—*Chas. Gatehouse*, Chichester, brewer, Aug. 15 at 2, Court of Bankruptcy, London, and ac.—*Michael Potter* and *John Lever*, Manchester, merchants, Aug. 17 at 12, District Court of Bankruptcy, Manchester, and ac.—*William Hill*, Newcastle-upon-Tyne, wine-merchant, Aug. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Aug. 16 at 11, div.—*John Davidson Bedford*, Burton-upon-Trent, Staffordshire, common brewer, Aug. 18 at 11, District Court of Bankruptcy, Birmingham, and ac. and div.—*Sam. Danks*, Wednesbury, Staffordshire, nail manufacturer, Aug. 15 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 16 at half-past 12, div.—*Francis Arthur* and *E. Arthur*, Birmingham, coach makers, Aug. 15 at 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 16 at 12, div.—*S. Baleman*, Birmingham, factor, Aug. 15 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.; Aug. 16 at half-past 12, div.—*Jos. Suffolk*, Birmingham, bridle cutter, Aug. 15 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; Aug. 16 at half-past 11, div.—*Elizabeth Edge*, Dawley-green, Dawley, Shropshire, victualler, Aug. 19 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.—*G. Portway*, Birmingham, metal refiner, Aug. 19 at 12, District Court of Bankruptcy, Birmingham, and ac.—*John Higham*, Warwick, victualler, Aug. 19 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.—*Thomas Holland* and *William Ellam*, sen., Birmingham, colour merchants, Aug. 17 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Ellam*, jun., Birmingham, patent coal founder, Aug. 17 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Stewart*, Ludgate-hill, London, muslin manufacturer, Aug. 15 at half-past 1, Court of Bankruptcy, London, fin. div.—*Rowland Beans*, *John Foster Skinner*, *Zachary Langton*, and *Thomas Foster*, Barge-yard, Bucklersbury, East India merchants, Aug. 15 at half-past 1, Court of Bankruptcy, London, div. joint and sep. est. *John Peter*—*Edmund Seddon*, Shuttleworth, Bury, Lancashire, and Manchester, cotton spinner, Aug. 22 at 12, District Court of Bankruptcy, Manchester, div.—*Wm. G. Pitt*, Cheltenham, Gloucestershire, banker, Aug. 23 at 12, District Court of Bankruptcy, Bristol, div.—*Robert Connibeer* and *Ed. Butler*, jun., Birmingham, woollen drapers, Aug. 16 at 1, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*John Shickle*, Attleburgh, Norfolk, and Great Pulteney-st., Soho, corn dealer, Aug. 18 at half-past 11, Court of Bankruptcy, London.—*Wm. Goflon*, Gilbert-st., Oxford-st., and Farringdon-st., pawnbroker, Aug. 17 at 3, Court of Bankruptcy, London.—*William Adamson*, Hexham, Northumberland, butcher, Aug. 15 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Charles Robson*, Shotley-bridge, Durham, miller, Aug. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*William Hill*, Newcastle-upon-Tyne, wine and spirit merchant, Aug. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Edward Farmer*, Wellington, Shropshire, tea dealer, Aug. 15 at 1, District Court of Bankruptcy, Birmingham.—*W. East*, Spalding, Lincolnshire, builder, Aug. 18 at half-past 2, District Court of Bankruptcy, Birmingham.—*Samuel Fowler*, Manchester, provision dealer, Aug. 17 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 15.

*John Robt. Hitchcock*, New Sarum, Wiltshire, hosier.—*J. Smith*, Wednesbury, Staffordshire, grocer.—*Thomas Brooke*, Liverpool, victualler.—*John Weeks*, Canterbury, chemist.—*Wm. Hopkins*, Farringdon-street, London, butcher.—*William Butler*, Hall's-farm, Holt, Bradford, Wiltshire, victualler.—*John Buckley*, Higher Crompton, near Oldham, Lancashire, coal master.—*John Rodgerson*, Hylton-ferry, Durham, ship builder.—*Rich. M. Bryant*, Bristol, carpenter.—*Geo. Henry Harrison*, Moorgate-street, London, merchant.—*Wm. Hitch*, Ringsland, Middlesex, grocer.—*John Young*, Newcastle-upon-Tyne, coal fitter.—*Elizabeth Havard*, Swansea, Glamorgan-shire, grocer.—*Timothy Duggan*, St. Joseph's Print-works, Cheadle-grove, near Cheadle, Cheshire, calico printer.—*John Pairs*, Colchester, Essex, hair dresser.—*M. Chas. Grafton*, Alcester, Warwickshire, tanner.

## FIATS ANNULLED.

*Arthur Brideson*, Dublin, provision merchant.—*William Wareing*, Moulton, Northampton, baker.

## PARTNERSHIP DISSOLVED.

*George Sawkins* and *Wm. Challinor*, Leek, Staffordshire, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

*Wm. May*, Edinburgh, carpet and furniture dealer.

## DECLARATIONS OF INSOLVENCY.

*John Williams*, Headington, Oxfordshire, butcher.

*Thomas Spencer*, Horton, Bradford, Yorkshire, manager of a flour shop.

*Roderick M'Guire*, Liverpool, book-keeper.

*Dennis Etienne Victor Gourlet*, Great Randolph-st., Camden-town, dancing master.

*Henry Smart*, Island, Gloucester, sheriff's officer.

*Thomas James*, Monkwood-green, Worcestershire, farmer.

*Eleazer Norris*, Chowbent, Atherton, Lancashire, out of business.

*Henry Browne*, Sheffield, Yorkshire, silversmith.

*Jonathan Graham*, Toxteth-park, near Liverpool, shoe maker.

*Wm. Roberts*, Bradford-moore, Bradford, Yorkshire, cloth maker.

*John Jennings*, Walcot, Bath, Somersetshire, wheelwright.

*James Pritchard*, Hewelsfield, Gloucestershire, farmer.

*Wm. Chas. Davis*, Cursitor-street, Holborn, house painter.

*John Yeadon*, Guiseley, Yorkshire, weaver.

*Alf. Ramsay*, New Park-road, Brixton-hill, Surrey, plumber.

*John Birkinshaw*, Sheffield, Yorkshire, file smith.

*John Holmes*, Landport, Portsea, Southampton, clerk in her Majesty's dock-yard at Portsea.

*Henry Francis Healey*, George's-row, John's-row, St. Luke, marble sawyer.

## INSOLVENT DEBTORS.

Saturday, July 22.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Thos. Binks*, Halifax-street, New-town, Mile-end, out of business, No. 38,943 T.; *Geo. Jas. Nicholson*, new assignee, in the room of *Rich. B. Burleigh*, removed.—*A. Thompson*, Newcastle-upon-Tyne, master of the steam packet *Violet*, No. 62,737 C.; *Colin M'Leod*, assignee.—*Thos. H. Coyle*, Dorset-place, Dorset-sq., bill broker, No. 50,543 T.; *Rich. B. Finnie*, assignee.—*Jonathan Gate*, Carlisle, Cumberland, joiner, No. 62,068 C.; *John Rushton* and *S. Backhouse*, assignees.—*L. Wm. Jones*, Brecon, saddler, No. 62,617 C.; *Joseph Jones*, assignee.—*Joseph Ashbridge*, Wetheral, Cumberland, farmer, No. 62,965 C.; *John Irwin*, assignee.—*John Newcombe*, jun., Collett-place, Commercial-road East, master mariner, No. 55,020 T.; *John Ridgway*, assignee.—*Geo. Everett*, Colchester, Essex, tailor, No. 63,113 C.; *Wm. L. Scarratt*, assignee.—*Blis. Eckworth*, Rayleigh, Essex, baker, No. 63,112 C.; *Wm. Lucas*, assignee.—*Francis Taylor*, Osgodby, near Selby, Yorkshire, farmer, No. 62,439 C.; *Wm. Scawin*, assignee.—*G. Taylor*, Holme on Spalding-moor, near Market Weighton, Yorkshire, farmer, No. 62,440 C.; *Wm. Scawin*, assignee.—*John U. D. Johnson*, Waltham Abbey, Essex, architect, No. 62,670 C.; *John Dixon*, assignee.—*Jas. Gray*, Barwick, near Yarm, Yorkshire, farmer, No. 63,001 C.; *Geo. Farthing*, assignee.—*Wm. Beilby* jun., Beverley, Yorkshire, butcher, No. 62,720 C.; *Edm. Johnson*, assignee.—*Matt. Bains*, Coxhoe, Durham, publican, No. 62,884 C.; *C. Willis*, assignee.—*Th. Esberger*, Lambeth-walk, Lambeth, Surrey, licensed victualler, No. 55,274 T.; *Francis Bullin*, assignee.—*W. Fisher*, Woodbridge, Suffolk, baker, No. 62,616 C.; *H. Ridley*, assignee.

Court-house, BIRMINGHAM, Warwickshire, Aug. 15 at 10.

*Wm. Brooke*, Birmingham, refiner.—*Thos. Kent*, Birmingham, out of business.—*Joseph Stevens*, Birmingham, warehouseman.—*John Wright*, Birmingham, out of business.—*J. Woodhill*, Birmingham, butcher.—*Wm. Davies*, Birmingham, warehouseman.—*Wm. Blosham*, Birmingham, huckster.—*Edw. Quiney*, Birmingham, metal dealer.—*John Benton*, Birmingham, tailor.—*Edw. Priest*, Birmingham, huckster.—*Richard Evans*, Birmingham, gun finisher.—*Benj. Milward*, Birmingham, joiner.—*John Brothers*, Birmingham, hallier.—*John Wood*, Birmingham, warehouse clerk.—*N. Beambridge*,

Birmingham, poulterer.—*Wm. Lewis*, Birmingham, cabinet maker.

*Court-house*, WINCHESTER, Hampshire, Aug. 16 at 10.

*Benj. B. Tucker*, Arretton, Isle of Wight, out of business.—*James Denham jun.*, Ryde, Isle of Wight, grocer.—*Wm. Cepkin*, Portsea, flyman.—*George Hayes*, Portsea, post captain in her Majesty's navy.—*Robert Alex. Irish*, Southsea, watch maker.—*Thomas Jackson*, Portsea, tea dealer.—*Wm. Turtle*, Tangle, near Andover, out of business.—*Jas. Bundy*, Fordingbridge, labourer.—*I. Trowbridge*, New Forest, farmer.—*Thomas Thomas*, Gosport, saddler.—*Rich. Burnett*, Titchfield, farmer.—*Wm. Phillips*, Boldre, grocer.—*Henry S. Wilson*, Down-house, near Andover, commander in the British navy.—*Joseph M'Golrick*, Newport, Isle of Wight, land surveyor.

*Court-house*, MOLD, Flintshire, Aug. 16 at 10.

*Roger Jones*, Bangor is Coed, surgeon.—*Edw. Williams*, Mold, cheese factor.

*Court-house*, RUTHIN, Denbighshire, Aug. 17 at 10.

*Edward Bland*, Denbigh, seedsman.—*Edward Jones*, Aiph and Tyntwll, Bodferry, and Bulchucha, Llandymog, farmer.

*Court-house*, SOUTHAMPTON, Hampshire, Aug. 15 at 10.

*Henry Patience*, Southampton, pork butcher.—*John Fair*, Portwood, police constable.—*Wm. Snelgrove*, Southampton, upholsterer.—*The Rev. J. L. Milton*, Southampton, clerk.—*Hen. Snelgrove*, Southampton, upholsterer.—*C. H. Gordon*, Southampton, butcher.—*Henry Badcock*, Southampton, mercers' assistant.

#### INSOLVENT DEBTOR'S DIVIDEND.

*J. Wight*, Dawlish, Devonshire, captain in the royal navy, July 31, at Shank's, East Teignmouth: 7s. in the pound.

#### MEETING.

*Richard Aston*, Ellwood, near Coleford, Gloucestershire, collier, Aug. 14, Roberts's, Coleford, sp. affairs.

#### FRIDAY, JULY 28.

##### BANKRUPTS.

**EDWARD REYNOLDS**, Merton, Surrey, silk and woollen printer, Aug. 10 and Sept. 8 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Reed & Shaw, Friday-street.—Fiat dated July 25.

**MEYER LEVY**, Great Winchester-street, London, commission merchant, Aug. 10 and Sept. 1 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Reed & Shaw, Friday-street.—Fiat dated July 24.

**GEORGE SALTER**, Davies-street, Middlesex, builder, Aug. 4 at 10, and Sept. 7 at 11, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Parker, St. Paul's Church-yard.—Fiat dated July 25.

**ELIZABETH HANNAH FOSTER**, Hathern, Leicestershire, tanner, Aug. 4 at 3, and Aug. 31 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Goddard, King-street, Cheapside.—Fiat dated July 27.

**JESSE SIDDON**, West Bromwich, Staffordshire, hollow-ware manufacturer, Aug. 12 and Sept. 9 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Bray, Birmingham.—Fiat dated July 22.

**JOHN HENRY TAYLOR**, Thornes, Wakefield, Yorkshire, joiner, carpenter, and builder, Aug. 9 and Sept. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Bulmer, Leeds.—Fiat dated July 18.

**EDWIN RAYNER**, Sheffield, Yorkshire, merchant and cutlery manufacturer, Aug. 9 and Sept. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Branson, Sheffield.—Fiat dated July 22.

**DAVID DIXON**, Woodhouse Carr, Leeds, Yorkshire, dyer, Aug. 8 and Sept. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Bond, Leeds.—Fiat dated July 15.

**JOHN KING**, Kingston-upon-Hull, mercer and draper, Aug. 9 and Sept. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Sale & Worthington, Manchester; England & Shackles, Hull.—Fiat dated July 11.

**HENRY CHALICOMBE**, Swansea, Glamorganshire, sail maker, Aug. 10 at 1, and Sept. 11 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Newman & Co., Yeovil, Somerset; Short, Bristol; Burfoots, Temple.—Fiat dated July 10.

#### MEETINGS.

*James Inray*, Old Fish-street-hill, Upper Thames-street, stationer, Aug. 11 at 1, Court of Bankruptcy, London, pr. d.—*John Clarke*, *Richard Mitchell*, *Jos. Phillips*, and *Thomas Smith*, Leicester, bankers, Aug. 22 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*Jas. Goddard* and *H. Goddard*, Market Harborough, Leicestershire, bankers, Aug. 19 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*W. Stent*, Oxford-street, hosier, Aug. 8 at half-past 1, Court of Bankruptcy, London, ch. ass., aud. ac., and div.—*Jas. Stott*, Wuerdle and Wardle, Rochdale, Lancashire, woollen manufacturer, Aug. 22 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Darcy* and *Rich. Dierden*, Satton, Lancashire, alkali manufacturers, Aug. 7 at 12, District Court of Bankruptcy, Liverpool, last ex.—*Joseph Parry*, Haverfordwest, draper, Aug. 29 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John Sloane* and *John Whitty*, Liverpool, Aug. 25 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac. and fin. div. sep. est. of *John Sloane*.—*Roger Pocklington*, Winthorpe, and *Wm. Dickinson*, Newark-upon-Trent, Nottingham, bankers, Aug. 19 at 1, and ac. joint est.; Aug. 21 at 11, div. sep. est. *R. Pocklington*.—*Ed. Farmer*, Wellington, Shropshire, tea dealer, Aug. 18 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Wm. Miller* and *Wm. T. Grant*, New Crane Iron-works, Wapping-wall, engineers, Aug. 18 at half-past 2, Court of Bankruptcy, London, div. sep. est. of *Wm. Millar*.—*James Penfold*, Goring, Sussex, brewer, Aug. 18 at 2, Court of Bankruptcy, London, div.—*David Ellis*, jun., Haverhill, Suffolk, draper, Aug. 18 at 10, Court of Bankruptcy, London, div.—*John Collins*, South Molton-lane, and South Molton-street, Middlesex, carpenter, Aug. 18 at half-past 10, Court of Bankruptcy, London, div.—*Geo. Fred. Cobham* and *Wm. B. Wright*, Camden-place, Peckham, Surrey, and Gravesend, Kent, builders, Aug. 21 at 12, Court of Bankruptcy, London, div. joint and sep. est.—*John T. Burgon*, Bucklersbury, London, wholesale hardwareman, Aug. 21 at 11, Court of Bankruptcy, London, div.—*Michael Potter* and *John Lever*, Manchester, merchants, Aug. 18 at 12, District Court of Bankruptcy, Manchester, fin. div. sep. est. *Michael Potter*.—*Thomas Baker*, Birmingham, brass-cock maker, Aug. 18 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Wm. Stent*, Oxford-street, hosier, Aug. 18 at half-past 1, Court of Bankruptcy, London.—*John Grieve*, Nicholas-lane, Lombard-street, engraver, Aug. 18 at 12, Court of Bankruptcy, London.—*John Hutton*, Ringwood, Southampton, draper, Aug. 21 at half-past 12, Court of Bankruptcy, London.—*M. C. Price*, Brentford, glass seller, Aug. 18 at half-past 1, Court of Bankruptcy, London.—*James Caleb Whittenbury*, Beakheath-hill, Kent, builder, Aug. 19 at 2, Court of Bankruptcy, London.—*James M. Mallen*, Ludgate-hill, London, dentist, Aug. 19 at 2, Court of Bankruptcy, London.—*E. F. Smith*, Bristol, carpenter, Aug. 18 at 2, District Court of Bankruptcy, Bristol.—*Wm. Cooke*, Bradford, Yorkshire, worsted spinner, Aug. 30 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 18.*

*Joseph Rose*, Spalding, Lincolnshire, ironmonger.—*John Yarrad*, jun., Spalding, Lincolnshire, grocer.—*William M. Senior*, St. Swithin's-lane, hardwareman.—*J. Crow*, North-end, Fulham, licensed victualler.—*Thos. Whitmarsh*, Tunbridge-wells, Kent and Sussex, hotel keeper.—*Wm. Ledbury*, Hagley, Worcestershire, and Coalbournbrook, Amblescote, Staffordshire, coal merchant.—*James C. Mumford*, Jubilee-place, Mile-end-road, grocer.—*John Towers*, Wolverhampton, Staffordshire, hatter.—*Chas. Chambers*, Holles-st., Cavendish-square, milliner.

#### FIAT ANNULLED.

*Henry Savage*, Coaley, Gloucestershire, spade and shovel manufacturer.

#### PARTNERSHIP DISSOLVED.

*George Bickley* and *John Tweedell*, Chapel-street West May-fair, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*David Seaton* and *Richard Macandie*, Edinburgh, shoe makers.—*Alex. MacIennan*, Edinburgh, grocer.—*Jas. Smith*

Glasgow, builder.—*G. S. Elliot, Esq.,* Larriston, Roxburghshire, lime burner.

### DECLARATIONS OF INSOLVENCY.

*Richard White*, York-street, Walworth, Surrey, coach master.  
*Thomas Smalley*, Kirkdale, Walton-on-the-Hill, joiner.  
*Peter Moore*, Sheffield, Yorkshire, table-knife manufacturer.  
*George Hull*, Southampton-mews, Euston-sq., cab proprietor.  
*Sarah Dalloway*, Pea Croft, Sheffield, Yorkshire, metal caster.  
*William Williams*, St. Woolas, Newport, Monmouthshire, hay and coal dealer.

*Edward Crosby*, Queen's-st., King's-road, Chelsea, bricklayer.  
*Julian Payne*, Southampton-st., St. Giles, Camberwell, clerk.  
*Thomas Brewer*, Gloucester, general shopkeeper.  
*Olive Washer*, St. Peter Le Bailey, Oxford, boot and shoe maker.

*Samuel James Bowerie Haydon*, Grafton-street East, St. Pancras, sculptor.

*Samuel Mason*, Kidderminster, Worcestershire, hair dresser.

*John Fletcher*, Cheltenham, Gloucestershire, carpenter.

*Edward Baker*, Brightonelmston, Sussex, hatter.

*James Hammett*, Manchester, chemist.

*William Robert Tynnes*, Cheltenham, Gloucestershire, clock maker.

*Thomas Hignett*, Lowhill, Walton, Lancashire, out of business.

*John Mays*, Wilton-road, St. George, Hanover-square, carman.

*William Voysey*, Exeter, Baker.

*Edward Tilling*, Liverpool, carver and gilder.

### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—

Court-house, **ATLESBURY**, Buckinghamshire, Aug. 19 at 10.

*James Perryman*, Farnham Royal, farmer.—*Jos. Bateman*, Slough, butcher.—*Lucy Barratt*, Little Brickhill, dealer in straw plat.—*Richard Ballard*, Upper Winchendon, farmer.—*Hen. Rock West*, Winslow, harness maker.

Court-house, **BEDFORD**, (County), Aug. 18 at 10.

*Geo. Burridge*, Marston Mortaine, blacksmith.—*G. White*, Dunsable, carpenter.

Court-house, **BIRMINGHAM**, Warwick, Aug. 15 at 10.

*Jermiah Scully*, Dublin, auctioneer.

### INSOLVENT DEBTORS' DIVIDEND.

*Sarah Hobson*, widow, Great Russell-street, Bloomsbury, lodging-house keeper, Galsworthy & Nichols, Cook's-court, Lincoln's-inn, July 28: 1s. 6½d. in the pound.

### MEETING.

*William Jutson*, Bampton, Devonshire, grocer, Aug. 14 at 4, George Inn, Exeter, sp. aff.

**MASTER IN CHANCERY.**—The Lord Chancellor has appointed *Charles James Barnes*, of Lambourn, Berkshire, Gent., to be a Master Extraordinary in the High Court of Chancery.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—*John Bright, Esq.*, for the city of Durham, in the room of the Right Hon. Arthur Hill Trevor Viscount Duncannon, whose election for the said city has been declared to be void.

**APPOINTMENT.**—*Mr. Mawe*, of New Bridge-street, has been appointed Secretary to the Right Hon. Thomas Grenville, Chief Justice in Eyre of her Majesty's Forests &c. south of Trent.

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# The Jurist

No. 343.

LONDON, AUGUST 5, 1843.

PRICE 1s.

\* \* *The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—*

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Court of Review .....	W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, AUGUST 5, 1843.

THE 42nd section of the 3 & 4 Will. 4, c. 27, the "Act for the Limitation of Actions and Suits relating to Real Property," provides, that "no arrears of rent or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy or any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action, or suit," but within six years next after it shall have become due, or an acknowledgment for it shall have been given.

We propose in this paper to make a few observations upon the construction of this clause, with reference to the question whether it applies to rent reserved upon a demise. By the 3 & 4 Will. 4, c. 42, s. 3, which received the royal assent three weeks later, it is enacted, that all actions of debt for rent upon an indenture of demise, and all actions of covenant or debt upon any bond or other specialty, shall be brought within twenty-one years. And in *Paget v. Foley*, (2 Bing., N. C., 679), it was decided by the Court of Common Pleas, that, assuming that the prior statute applied to rents reserved by deed, it was as to such, virtually repealed by the subsequent one. Whether it extended to rents reserved on tenancies was left undecided, but as, in whichever way it may be taken, rents reserved by deed are not within it, our attention must be confined to the question whether it is applicable to rents reserved on parol demise, using that term in contradistinction to reservation by deed. According to our construction, the recovery of rents not reserved by deed is limited by the first statute to six years, those reserved by deed being, by virtue of the second, recoverable within twenty-one years. According to the other, the first statute does not apply at all to such rents; and as they are not within the second, they are, so far as the operation of these two statutes is concerned, without any

period of limitation whatever. It is important then to ascertain what is the law with respect to rents reserved on parol demises, independently of these statutes. If it be found that there is no other statute which fixes a period of limitation, there is strong reason for making the 3 & 4 Will. 4, c. 27, applicable to them. But if, on the other hand, such a statute was already in existence, there are equally strong reasons for supposing that it was never intended to include such rents in the modern enactment.

Our readers will find, that the law had long since provided for the limitation of actions for rent reserved by parol. The 21 Jac. 1, c. 16, s. 3, specifies, among the actions which are to be brought within six years, actions of debt for arrearages of rent; and this, it had been decided, did not extend to rent reserved by indenture. At the time, therefore, that the 3 & 4 Will. 4, c. 27, was passed, the recovery of arrears of rent, such as we are now speaking of, was limited to six years; but as to quit-rents and rent-charges, there was no such limitation, nor, as we have seen, as to rents reserved by deed. Is it not therefore the reasonable construction of the two statutes, to make them supply periods of limitation only when they were wanting, and not to give to them the superfluous effect of providing for what was already provided for? And this view, viz. that in the 3 & 4 Will. 4, c. 27, by the word "rent" is meant quit-rents, rent-charges, and the like, is confirmed by the words of the report of the Real Property Commissioners. Not indeed that any such document can be used by the courts to aid in the construction of an act of Parliament, but we, in our humble capacity of inquirers, may properly refer to it. In the first report, p. 50, they say—"With respect to certain rents, there is at present no limitation either as to title or arrears, except that of fifty years, created by the stat. 32 Hen. 8, which is to preclude any presumption of release or payment. We think the limitation as to quit-

rents, as well as rent-charges, and all periodical payments issuing out of land, other than conventional rents between landlord and tenant, should be assimilated to the limitation of actions as to the land itself; that what is tantamount to a dispossession for twenty years should bar the right to the rent, and that the arrears, like other debts, should be barred by the lapse of six years. Where rent is reserved upon a lease under seal, there is no limitation as to the arrears, although, in practice, where there is no proof of acknowledgment, a jury is directed to presume payment after twenty years. We conceive that a positive bar would be much preferable to a presumptive, which may be rebutted; and we see no reason why annual payments should be allowed to be sued for after the expiration of six years, whether they may have been secured by deed, or only arise from simple contract." The latter part of this recommendation, that no distinction should be made between rent and other debts which are barred by the lapse of six years, whether the rent arises by deed or otherwise, has not we have seen been followed. It is however evident that the rents which the commissioners had in view were those which were not then within the Statute of Limitation, quit-rents, rent charges, and rents reserved upon leases under seal. The opinion that the 42nd section of the 3 & 4 Will. 4, c. 27, does not apply to rents reserved upon a demise, derives confirmation from the construction which has been put upon the 2nd section of the same statute,—that no person shall make an entry or distress, or bring an action to recover any land or rent but within twenty years next after the time at which the right to do so shall have first accrued. In *Grant v. Ellis* (9 Mee. & W. 113), it was contended that this applied to rents reserved upon demises; but the court decided that it did not. It is true that the reasons given in the elaborate judgment for arriving at that conclusion are not strictly applicable to the latter section of the statute. When however we have fixed the interpretation of the 2nd section, the arguments for giving a different interpretation to the 42nd are easily answered. If it be said that there is nothing in that section to limit the meaning of the word rent, or make it applicable to some kinds only, we reply that neither is there in the 42nd. If the interpretation clause be appealed to, which says that the word rent shall extend to all heriots, and to all services and suits for which a distress may be made, the answer is, that that clause has failed to extend the second section to conventional rents, and need have no farther effect on the 42nd. In short, the decision in *Grant v. Ellis*, seems in our judgment to decide the question as to the other section; and we think the conclusion at which the courts will arrive is, that the 3 & 4 Will. 4, c. 27, does not apply to cases between landlord and tenant. There is one difficulty, however, arising from such a construction, which must be noticed. In the 3 & 4 Will. 4, c. 27, it will be observed the remedy by distress is expressly mentioned. Not so it is in the 3 & 4 Will. 4, c. 42. If, therefore, the former statute be held to apply to rents reserved upon demises, then as it is only in part repealed by the latter, in which the remedy by distress is not mentioned, it follows, that, although when the lease is by deed, the lessor may recover arrears of rent for twenty years,

he can only distrain for six years' arrears, which is a manifest inconsistency. On the other hand, if the 3 & 4 Will. 4, c. 27, does not apply, there is no express limitation as to the remedy by distress. But there would be no inconsistency, and all difficulty might be avoided, by holding the distress to be limited to the same period as an action for the same rent.

## Imperial Parliament.

### HOUSE OF COMMONS.

Thursday, August 3.

The report on the Law of Evidence Bill was brought up, and the bill ordered to be read a third time on Tuesday next.

The report on the Warrant of Attorneys Bill was brought up, and the bill ordered to be read a third time.

## Statute.

### 6 & 7 VICT. CAP. XXXVIII.

*An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.* [28th July, 1843.]

- Sect. 1. Appeals, &c., may be heard by not less than three Members of the Judicial Committee of the Privy Council under a special Order of her Majesty.
2. Powers of the Judicial Committee and their Surrogates in respect to Appeals from Ecclesiastical and Admiralty Courts.
3. Who to be Surrogates and Examiners of the Judicial Committee in Ecclesiastical and Admiralty Appeals.
4. Past Proceedings of Surrogates of the Judicial Committee valid, notwithstanding certain Informalities.
5. Manner of conducting Appeals before the Judicial Committee.
6. So much of 2 & 3 Will. 4, c. 93, as empowers the Judicial Committee and his Majesty in Council to punish Contempts, &c., repealed.
7. Punishing Contempts, compelling Appearances, enforcing Judgments, &c. in Causes of Appeal.
8. Orders, &c., may be enforced by Sequestration against certain Persons pronounced Contumacious, and in Contempt.
9. Inhibitions, &c., to be in her Majesty's Name, and of Force throughout the British Dominions.
10. Monitions for Payments into the Registry of the Admiralty Court under Orders, &c.
11. All Appeals from Ecclesiastical and Admiralty Courts may be referred to the Judicial Committee by an Order in Council.
12. Costs may be awarded by the Judicial Committee, and taxed.
13. Appointment of Registrar and Assistant Registrar in Ecclesiastical and Maritime Causes.
14. Custody of Records, &c., of the Court of Delegates and Appeals.
15. Judicial Committee empowered to make Rules, &c., respecting Practice and Mode of Proceeding in Appeals, &c. *Proviso.*
16. Judicial Committee of Privy Council to proceed with Causes depending before late High Court of Delegates.
17. Definition of Terms.

Sect. 1. Whereas it has been found expedient to make further regulations for hearing and making report to her Majesty in appeals and other matters referred to the Judicial Committee of the Privy Council, and for the more effectual appointment of Surrogates in ecclesiastical and maritime causes of appeal, and for making orders or decrees incidental to such causes of appeal, and for the punishment of contempts, and compelling appearances and enforcement of judgments, orders, and decrees of her Majesty in council, or of the said Judicial

Committee, or their Surrogates, in such causes of appeal: Be it enacted &c., That in any appeal, application for prolongation or confirmation of letters patent, or other matter referred or hereafter to be referred by her Majesty in Council to the Judicial Committee of the Privy Council, it shall be lawful for her Majesty, by order in council or special direction under her royal sign manual, having regard to the nature of the said appeal or other matter, and in respect of the same not requiring the presence of more than three members of the said committee, to order that the same be heard, and when so ordered it shall be lawful that the same shall be accordingly heard by not less than three of the members of the said Judicial Committee, subject to such other rules as are applicable, or under this act may be applicable, to the hearing and making report on appeals and other matters by four or more of the members of the said Judicial Committee.

2. That in respect of all incidents, emergents, dependents, and things adjoined to, arising out of, or connected with appeals from any Ecclesiastical Court, or from any Admiralty or Vice Admiralty Court, (save in giving a definitive sentence, or any interlocutory decree having the force and effect of a definitive sentence), the said Judicial Committee and their Surrogates shall have full power, subject to such rules, orders, and regulations, as shall from time to time be made by the said Judicial Committee, (with the approval of her Majesty in Council), to make all such interlocutory orders and decrees, and to administer all such oaths and affirmations, and to do all such things as may be necessary, or the Judges of the courts below appealed from or their Surrogates in the cases appealed, or the Judges of the courts appealed to or their Surrogates, or the Lords Commissioners of Appeals in prize causes, or their Surrogates, and the Judges delegate or their condelegates under commissions of appeal under the Great Seal in ecclesiastical and maritime causes of appeal, would respectively have had before an act passed in the 2 & 3 Will. 4, [c. 92], intitled "An Act for transferring the Powers of the High Court of Delegates, both in Ecclesiastical and Maritime Causes, to his Majesty in Council," and another act, passed in the 3 & 4 Will. 4, [c. 41], intitled "An Act for the better Administration of Justice in his Majesty's Privy Council," were passed.

3. That the Surrogates and Examiners of the Arches Court of Canterbury and the High Court of Admiralty of England, and such persons as shall from time to time be appointed Surrogates or Examiners of the said court, shall be by virtue of this act Surrogates and Examiners respectively of the Judicial Committee of the Privy Council in all causes of appeal from Ecclesiastical Courts and from any Admiralty or Vice-Admiralty Court.

4. That all orders, decrees, and things heretofore done and expedited in such causes of appeal by the Surrogates appointed by the said Judicial Committee of the Privy Council, shall be deemed to be valid and effectual, if otherwise lawfully done and expedited, notwithstanding any informality or want of authority in respect to the same in the orders of his late Majesty in Council of the 4th day of February, 1833, of the said Judicial Committee of the 5th day of February, 1833, of the order of his late Majesty in Council of the 9th day of December, 1833, of an order of the said Judicial Committee of the 10th day of December, 1833, and an order of his late Majesty in Council of the 12th day of August, 1835.

5. That, subject to such rules and regulations as may from time to time be made by the said Judicial Committee with the approval of her Majesty in Council, and save and in so much as the practice thereof may be varied by the said acts of the reign of his late Majesty or by this act, the said causes of appeal to her Majesty in Council shall be commenced within the same times, and conducted in the same form and manner, and by the same persons and officers, as if appeals in the same causes had been made to the Queen in Chancery, the High Court of Admiralty of England, or the Lords Commissioners of Appeals in Prize Causes respectively; and all things otherwise lawfully done and expedited in the said causes of appeal by the Registrar of the High Court of Admiralty of England, his deputy or deputies, in consequence of the passing of the said acts of the reign of his late Majesty, shall be deemed to be valid to all intents whatsoever.

6. And whereas by the provisions of the hereinbefore secondly-recited act, it was enacted, that the said Judicial Committee should have and enjoy in all respects such and the same power of punishing contempts and of compelling appearances,

and that his Majesty in Council should have and enjoy in all respects such and the same powers of enforcing judgments, decrees, and orders, (both in personam and in rem), as are given to any court ecclesiastical by an act of Parliament passed in a session of Parliament of the 2nd & 3rd years of the reign of William 4, [c. 93], intitled "An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of England and Ireland," and that all such powers as are given to courts ecclesiastical, if of punishing contempts or of compelling appearances, should be exercised by the said Judicial Committee, and of enforcing decrees and orders should be exercised by his Majesty in Council, in such and the same manner as the powers in and by such act of Parliament given, and should be of as much force and effect as if the same had been thereby expressly given to the said Committee or to his Majesty in Council; be it enacted, That so much of the said act as relates to the powers thereby given to the said Judicial Committee and to his Majesty in Council, under the last-recited act, shall be repealed.

7. That for better punishing contempts, compelling appearances, and enforcing judgments of her Majesty in Council, and all orders and decrees of the said Judicial Committee or their Surrogates, in all causes of appeal from Ecclesiastical Courts and from Admiralty or Vice-Admiralty Courts, her Majesty in Council and the said Judicial Committee and their Surrogates shall have the same powers, by attachment and commitment of the person to any of her Majesty's gaols, and subsequent discharge of any person so committed, as by any statute, custom, or usage belong to the Judge of the High Court of Admiralty of England; and the said Judicial Committee shall have the same immunities and privileges as are conferred on the Judge of the High Court of Admiralty of England under an act passed in the 3 & 4 Vict. [c. 65], intitled "An Act to improve the Practice and extend the Jurisdiction of the High Court of Admiralty of England," as fully as if the same had been thereby expressly given to the said Judicial Committee.

8. That in all causes of appeal to her Majesty in Council from Ecclesiastical Courts, and from Admiralty or Vice-Admiralty Courts, in which any person duly monished or cited or required to comply with any lawful order or decree of her Majesty in Council, or of the said Judicial Committee or their Surrogates, and neglecting or refusing to pay obedience to such lawful order or decree, or committing any contempt of the process under the seal of her Majesty in ecclesiastical and maritime causes, shall reside out of the dominions of her Majesty, or shall have privilege of peerage, or shall be a lord of Parliament or a member of the House of Commons, it shall be lawful for the said Judicial Committee or their Surrogates to pronounce such person to be contumacious and in contempt, and after he shall have been so pronounced contumacious and in contempt to cause process of sequestration to issue under the said seal of her Majesty against the real and personal estate, goods, chattels, and effects, whatsoever lying within the dominions of her Majesty, of the person against or upon whom such order or decree shall have been made, in order to enforce obedience to the same, and payment of the expenses attending such sequestration, and all proceedings consequent thereon, and to make such further order in respect of or consequent on such sequestration, and in respect of such real and personal estate, goods, chattels, and effects sequestered thereby, as may be necessary, or for payment of monies arising from the same to the person to whom the same may be due or into the registry of the High Court of Admiralty and appeals for the benefit of those who may be ultimately entitled thereto.

9. That all inhibitions, citations, monitions, and other instruments incidental to or arising out of such causes of appeal shall be issued in the name of her Majesty, and under seal of her Majesty in ecclesiastical and maritime causes, and shall be of full authority in all places throughout the dominions of her Majesty.

10. That in all appeals in ecclesiastical and maritime causes to her Majesty in Council it shall be lawful for her Majesty in Council, and the said Judicial Committee or their Surrogates, at the petition of any person interested in the same, to decree monitions for the transmission of any sum or sums of money respecting which any order or decree may be made, or any questions may be depending arising out of such causes, and the proceeds of all ships or vessels, goods, and cargoes respecting which any appeals may be depending, into the registry of the High Court of Admiralty and appeals, for the benefit of

the person or persons who may be ultimately entitled thereto, or for payment thereof to the person to whom the same may be lawfully due.

11. That it shall be lawful for her Majesty, by order in council, to direct that all causes of appeal from Ecclesiastical Courts, and from the Vice-Admiralty Court of the Cape of Good Hope, and all Vice-Admiralty Courts to the westward thereof, in which the appeal and petition of reference to her Majesty shall have been lodged in the registry of the High Court of Admiralty and appeals within twelve calendar months from the giving or pronouncing of any order, decree, or sentence appealed from, and all causes of appeal from Vice-Admiralty Courts to the eastward of the Cape of Good Hope, in which the appeal and petition of reference to her Majesty shall have been lodged in the registry of the High Court of Admiralty and Appeals within eighteen calendar months from the giving or pronouncing any order, decree, or sentence appealed from, shall be referred to the Judicial Committee of the Privy Council, and the said Judicial Committee and their Surrogates shall have full power forthwith to proceed in the said appeals, and the usual inhibition and citation shall be decreed and issued, and all usual proceedings taken, as if the same had been referred to the said Judicial Committee by a special order of her Majesty in council in each case respectively.

12. That as well the costs of defending any decree or sentence appealed from as of prosecuting any appeal, or in any manner intervening in any cause of appeal, and the costs on either side, or of any party, in the court below, and the costs of opposing any matter which shall be referred to the said Judicial Committee, and the costs of all such issues as shall be tried by direction of the said Judicial Committee respecting any such appeal or matter, shall be paid by such party or parties, person or persons, as the said Judicial Committee shall order, and that such costs shall be taxed as in and by the said act for the better administration of justice in the Privy Council is directed respecting the costs of prosecuting any appeal or matter referred by her Majesty under the authority of the said act, save the costs arising out of any ecclesiastical or maritime cause of appeal, which shall be taxed by the Registrar hereinafter named, or his Assistant Registrar.

13. That the Registrar of the High Court of Admiralty of England for the time being may be appointed by her Majesty to be Registrar of her Majesty in ecclesiastical and maritime causes, and shall have power to appoint an Assistant Registrar, as provided by an act passed in 3 & 4 Vict. [c. 66], intitled "An Act to make Provision for the Judge, Registrar, and Marshall of the High Court of Admiralty of England," and shall during his good behaviour, and while he shall be Registrar of the said High Court of Admiralty, hold his office of Registrar of her Majesty in ecclesiastical and maritime causes, and shall do all such things, and shall have the same powers and privileges in respect to the same, as belong to his predecessors in the office of Registrar of his Majesty in ecclesiastical and maritime causes.

14. That all records, muniments, books, papers, wills, and other documents remaining in the registry of the High Court of Admiralty and Appeals, appertaining to the late High Court of Delegates and Appeals for Prizes, shall be and remain in the custody and possession of the said Registrar of her Majesty in ecclesiastical and maritime causes.

15. That it shall be lawful for the said Judicial Committee from time to time to make such rules, orders, and regulations respecting the practice and mode of proceeding in all appeals from Ecclesiastical and Admiralty and Vice Admiralty Courts, and the conduct and duties of the officers and practitioners therein, and to appoint such officer or officers as may be necessary for the execution of processes under the said seal of her Majesty, and in respect to all appeals and other matters referred to them, as to them shall seem fit, and from time to time to repeal or alter such rules, orders, or regulations: Provided always, that no such rules, orders, or regulations shall be of any force or effect until the same shall have been approved by her Majesty in council.

16. And whereas, in certain causes which were depending before the late High Court of Delegates, certain decrees or orders were made and interposed, and are not yet fully carried into effect: And whereas, in consequence of the death of the judges delegate, or some of them, named in the several commissions under the Great Seal, such decrees or orders cannot be carried into effect; be it enacted, That all such causes of

appeal and complaint which were depending before the High Court of Delegates, and in which any decree, order, or thing for the reason lastly hereinbefore mentioned, is outstanding and not fully ended and determined, shall be transferred to the Judicial Committee of the Privy Council; and the said Judicial Committee shall take up and proceed with the said causes in the same manner as if the same had been originally causes of appeal and complaint depending before the said Judicial Committee.

17. That in this act all words denoting a male person shall be taken to include a female also, and all words denoting a person or thing shall be taken to include also several persons or things, unless a contrary sense shall clearly appear from the context; and that the words "Archbishop of Canterbury," used in this act, shall be construed to extend to such court as shall exercise the jurisdiction of the said court, or be substituted for the same; and that wherever the words "Ecclesiastical Court" have been used in this act, the same shall be construed to extend to such court as shall exercise the jurisdiction of any part of the jurisdiction exercised by any ecclesiastical court, or be substituted for the same; and the words "ecclesiastical or maritime cause of appeal" shall be construed to extend to causes appealed from Ecclesiastical Courts and such court as shall exercise the jurisdiction or any part of the jurisdiction exercised by any Ecclesiastical Court, or be substituted for the same.

## London Gazette.

TUESDAY, August 1.

### BANKRUPTS.

THOMAS SKINNER, Godalming, Surrey, butcher and innkeeper, Aug. 10 at half-past 12, and Sept. 12 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Tucker Cannon-street, City.—Fiat dated July 25.

JAMES WILKINSON and GEORGE WILKINSON, Leadenhall-street, London, indigo brokers, Aug. 11 at 2 and Sept. 9 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Child, 77, Chancery-lane.—Fiat dated July 24.

ALEXANDER LAING, Halifax, Yorkshire, draper, Aug. 12 at 12, and Sept. 9 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Reed & Shaw, 2, Friday-st., Cheapside.—Fiat dated July 17.

HENRY MORGAN GODWIN and CHARLES LEE, Bishopsgate-st. Within, London, ship-owners and ship and insurance brokers, Aug. 10 at half-past 1, and Sept. 12 at 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Oliverson & Co., Frederick's-place, Old Jewry.—Fiat dated July 31.

WILLIAM RUNTING and WILLIAM JEFFCOAT, East Harding-street, London, bookbinders, Aug. 10 at 12, and Sept. 12 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Hodgson, Broad-street-buildings.—Fiat dated July 22.

JAMES MARTIN, Bexley-heath, Kent, victualler and innkeeper, Aug. 10 at 11, and Sept. 9 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Sadgrove, Mark-lane, London.—Fiat dated July 25.

RYCE DAVIES, Abercarn, Monmouthshire, grocer, shopkeeper, and coal merchant, Aug. 11 at 2, and Sept. 13 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Bigg, Bristol.—Fiat dated July 29.

THOMAS BATE, WILLIAM SMITH BATE, and JAMES HELLINGS, Rugeley, Staffordshire, brewers, Aug. 12 and Sept. 12 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Smith, Rugeley; Wilde & Co., College-hill, London.—Fiat dated July 14.

NATHANIEL NEAL SOLLY, Tivdale, Rowley Regis, Staffordshire, and RICHARD SOLLY, Sheffield, Yorkshire, iron masters, Aug. 24 and Sept. 23 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Carter, Birmingham.—Fiat dated July 27.

JOSEPH WRIGHT, St. Sidwell, Exeter, builder, Aug. 16 at 1, and Sept. 13 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Brutton, Exeter; Clipperton, Bedford-row, London.—Fiat dated July 27.

## MEETINGS.

*John Donnelly*, Newry, Armagh, Ireland, merchant, Aug. 21 at 1, District Court of Bankruptcy, Liverpool, last ex.—*E. Hilton and Nath. Walsh*, Over Darwen, Lancashire, paper makers, Aug. 12 at 10, District Court of Bankruptcy, Manchester, last ex.—*Henry Hilton*, Over Darwen, Lancashire, bleacher, Aug. 12 at 10, District Court of Bankruptcy, Manchester, last ex.—*John Stevens*, Britwell Salome, Oxfordshire, ironfounder, Aug. 24 at 1, Court of Bankruptcy, London, aud. ac.—*John O. Palmer*, Liverpool, music seller, Aug. 24 at half-past 12, Court of Bankruptcy, London, aud. ac.—*W. Gordon*, Colchester, Essex, coach proprietor, Aug. 24 at 12, Court of Bankruptcy, London, aud. ac.—*James C. Whittenbury*, Blackheath hill, Kent, builder, Aug. 24 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Philip Speyer* and *Joseph Skuback*, High Holborn, tailors, Aug. 22 at 11, Court of Bankruptcy, London, aud. ac.—*Hugh Panton*, *Thos. W. Panton*, *George Forster*, and *John W. Morley*, Sunderland, Durham, iron manufacturers, Aug. 22 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*John Gibbs*, St. Sidwell, Exeter, tailor, Aug. 24 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Aug. 25 at 11, div.—*H. Denziloe*, Bridport, Dorsetshire, grocer, Aug. 24 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Aug. 25 at 11, aud. ac.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John N. George*, Upper Berkeley-street, St. Marylebone, bookseller, Aug. 24 at half-past 2, Court of Bankruptcy, London.—*Edward Binyon*, Bell's-buildings, Salisbury sq., Fleet-street, London, commission agent, Aug. 22 at 11, Court of Bankruptcy, London.—*Daniel Baseley*, High-street, and Surrey-place, Old Kent-road, Southwark, cheesemonger, Aug. 22 at half-past 11, Court of Bankruptcy, London.—*W. Bloxam*, Duke-street, Grosvenor-square, apothecary, Aug. 23 at half-past 11, Court of Bankruptcy, London.—*Wm. Deneam*, Bath, Somersetshire, tailor and draper, Aug. 30 at 11, District Court of Bankruptcy, Bristol.—*Isaiah Ward*, Devizes, Wiltshire, house decorator, Aug. 28 at 1, District Court of Bankruptcy, Bristol.—*Henry Alex. Jameson*, North Shields, Northumberland, linen draper, Aug. 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Hugh Panton* and *Thos. Wm. Panton*, Sunderland, Durham, iron manufacturers, Aug. 23 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Heslop*, Morpeth, Northumberland, grocer, Aug. 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. A. Whinfield*, Newcastle-upon-Tyne, draper, Aug. 22 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Carr*, Sunderland, merchant, Aug. 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Bentham*, Sunderland, grocer, Aug. 23 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*James Silk*, Kidderminster, Worcestershire, carpet manufacturer, Aug. 26 at 12, District Court of Bankruptcy, Birmingham.—*Henry Francis*, Peock, Cornwall, agent, Aug. 29 at 11, District Court of Bankruptcy, Exeter.—*Abel Crompton*, Manchester, grocer, Aug. 23 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 22.*

*John C. Hawdon*, Three Nuns-court, Aldermanbury, London, and Canonbury-villas, Islington, commission agent.—*J. W. May*, Bristol, baker.—*Wm. Marshall*, Worthing, Sussex, butcher.—*James Holdsworth*, Bradford, Yorkshire, worsted spinner.—*Amos Procter*, Kingston-upon-Hull, coach proprietor.—*Wm. Williams*, Manchester, drysalter.—*David W. Morris*, Tredegar, Monmouthshire, draper.—*George Eshelby*, Gate-street, Lincoln's-inn-fields, currier.—*J. Wicks*, Trowbridge, and Hawkeridge, Westbury, Wiltshire, clothier.—*Jas. Chard*, Bristol, corn factor.—*John S. Walton*, Northallerton, Yorkshire, money scrivener.—*Sam. M. Long*, Bodney-hall, Norfolk, lime burner.—*Tristram T. Squier*, Exeter, brush maker.—*John Bennett*, Manchester, calico printer.—*William Kelly*, Liverpool, bookseller.—*Chas. Thos. Dunlevie*, Liverpool, corn factor.—*G. Newmarch*, Nottingham and Sheffield, furrier.

## SCOTCH SEQUESTRATION.

*Donald Rob. Macgregor*, Leith, auctioneer.—*John Currie*, Lanark, messenger at arms.—*Ralph Strachan*, Kirklistod, maltster.—*Wm. Paterson*, New Sauchie, near Alloa, grocer.

—*Alex. Aitkenhead*, Partick, victualler.—*Arch. Cousland*, Glasgow, wire worker.

## DECLARATIONS OF INSOLVENCY.

*Alexander James Howell*, Southampton, clerk.  
*Arundel Pryor*, Bristol, publican.  
*James Fox*, Elizabeth-place, Islington, clerk.  
*John Davies*, Bishopwearmouth, Durham, boot maker.  
*Joseph Hugman*, Redenhall with Harleston, Norfolk, leather cutter.  
*George Haigh*, Hill-house, near Huddersfield, carpenter.  
*Henry Holt*, Huddersfield, cloth drawer.  
*Richard Shackleton*, Huddersfield, Yorkshire, joiner and carpenter.  
*Thomas Bloxham*, Birmingham, brewer.  
*Henry Collingwood*, Huddersfield, Yorkshire, carpenter.  
*Thomas Fildes*, Eccles, Lancashire, licensed victualler.  
*Thomas Hawthorn*, Burslem, Hanley, Stoke-upon-Trent, clock maker.  
*Joseph Jacobs*, Cheetham, Manchester, out of business.  
*Anthony Morton*, Foolow, Eyam, Derbyshire, smelter.  
*Rich. Stanway*, Knighton, Macclestone, Staffordshire, farming bailiff.  
*Wm. Smith*, Goswell-road, Clerkenwell, undertaker.  
*George Parsons*, Wallbrook Coseley, Sedgely, Staffordshire, grocer.  
*Henry Gimber*, Inner Temple-lane, St. Dunstan in the West, under porter to the Honorable Society of the Inner Temple.  
*John Bracher*, Glebe-cottage, King's-rd., Chelsea, carpenter.  
*Herbert Blackford Gray*, Newtown, Colbourne, Isle of Wight, mate in her Majesty's Navy.  
*James Cross*, Wallasey, Liscard, Cheshire, schoolmaster.  
*John Bailey*, Strangeways, Cheetham, within Manchester, linen draper.  
*William Brasier*, Cheltenham, Gloucestershire, grocer.  
*William Bennett*, Wolverhampton, Staffordshire, japanner.  
*Stephen Taylor*, Richmond, Surrey, omnibus proprietor.

## INSOLVENT DEBTORS.

*Saturday, July 29.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Alexander M'Quin*, Landport, Portsea, Hants, gunner in the Navy, No. 37,603 C.; *Samuel Sturgis*, gentleman, new assignee, in the room of Charles Harding, removed.—*J. Goode*, Birmingham, out of business, No. 62,513 C.; *Richard Adams*, assignee.—*Chas. Grimwood*, Ipswich, Suffolk, bricklayer, No. 63,109 C.; *James Luff*, assignee.—*John Thomas*, Llandilo, Carmarthen, tailor, No. 62,764 C.; *David Jenkins*, assignee.—*Lewis Rees*, Swansea, Glamorganshire, tailor, No. 63,180 C.; *David Jones*, assignee.—*Edmund Kershaw*, Sladen-mill, near Rochdale, Lancashire, fulling miller, No. 61,679 C.; *Christopher Barker*, assignee.—*Geo. Barber Bayfield*, Thorpe, Norwich, victualler, No. 62,858 C.; *William Spelman*, assignee.—*Thos. Taylor*, Dudley, Worcestershire, draper, No. 58,708 C.; *John Webster* and *William Smith*, assignees.—*J. Swift*, Rochdale, Lancashire, chemist, No. 58,972 C.; *Henry Haley*, assignee.—*Edward Evans*, Newbridge, Glamorganshire, nailer, No. 62,294 C.; *John Bryant*, assignee.—*J. Coleman*, Norwich, shoeing smith, No. 62,726 C.; *William Rollings*, assignee.—*E. Stimpson*, Norwich, single woman, No. 63,177 C.; *William Rollings*, assignee.—*Jacob Filby*, St. Clement, Norwich, farmer, No. 63,092 C.; *James Barnaby*, assignee.—*Michael Benjamin*, Leman-street, Goodman's-fields, Middlesex, watch maker, No. 55,309 T.; *John Barlow West*, assignee.—*John Stanley*, Northfleet, Kent, licensed victualler, No. 55,170 T.; *Roof Pope*, assignee.—*Charles Maidwell*, Mount-terrace, New-road, Whitechapel, Middlesex, corn chandler, No. 55,375 T.; *John Cook*, assignee.—*Sarah Peters*, Garrett-lane, Wandsworth, Surrey, spinster, No. 55,202 T.; *Thomas Keatch*, assignee.—*Boyd Silvester*, Pearl-street, Old Gravel-lane, Ratcliffe-highway, Middlesex, appraiser, No. 55,378 T.; *Henry Rollinson jun.*, assignee.—*John Hume Long*, Mount-gardens, Westminster-road, Lambeth, Surrey, farmer, No. 55,328 T.; *Edward Key* and *James Porter*, assignees.—*Wm. Emanuel Harper*, New-street, Dorset-square, Mary-le-bone, Middlesex, butcher, No. 52,888 T.; *George Frederick Eckstein*, assignee.—*Thos. Thew*, Sunderland, Durham, tin-plate worker, No. 55,323 T.; *George Andrew Midlemis*, assignee.

## FRIDAY, AUGUST 4.

## INSOLVENT.

ROBERT HILLIER, St. Sidwell, Exeter, victualler.

## BANKRUPTS.

JOHN THOMAS BLANKS, Southminster, Essex, grocer and draper, Aug. 15 at half-past 12, and Sept. 19 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Atkinson, Carey-street.—Fiat dated Aug. 1.

JAMES VINCENT, Edmonton, Middlesex, schoolmaster and bookseller, Aug. 10 and Sept. 12 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Batho, America-square.—Fiat dated July 31.

JOSEPH MASTERS jun., Witney, Oxfordshire, innkeeper, Aug. 15 at half-past 11, and Sept. 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Parker & Co., 3, Raymond-buildings, Gray's-inn.—Fiat dated July 25.

JOHN WOOLLAM, St. Alban's, Hertfordshire, silk throwster, Aug. 11 and Sept. 9 at half-past 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Milne & Co., 2, Harcourt-buildings, Temple.—Fiat dated July 31.

PHILIP BEYFUS and SOLOMON BEYFUS, Houndsditch, London, importers of French goods, and manufacturers of steel pens, and Birmingham and Sheffield warehousemen, Aug. 11 at 10, and Sept. 7 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Young & Son, Mark-lane.—Fiat dated Aug. 3.

JEREMIAH SCOTT, Rochdale, and Manchester, innkeeper and licensed victualler, Aug. 16 and Sept. 22 at 12, District Court of Bankruptcy Manchester: Off. Ass. Fraser; Sols. Halseall, Middleton, near Manchester; Mayhew & Son, 26, Carey-street, Lincoln's-inn.—Fiat dated July 22.

WILLIAM BLANKS, Rochford, Essex, draper and gun maker, Aug. 15 at 12, and Sept. 12 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Atkinson, Carey-street, Lincoln's-inn.—Fiat dated Aug. 1.

JOHN MEASE, Hutton, near Rudby, Yorkshire, flax spinner, Aug. 14 and Sept. 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Blackburn, Leeds.—Fiat dated July 31.

ROBERT JONES, Newborough-house, Carnarvonshire, draper and shopkeeper, Aug. 17 at half-past 12, and Sept. 11 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Sale & Worthington, Manchester; R. M. & C. Baxter, Lincoln's-inn-fields.—Fiat dated July 25.

GEORGE HALL, Birmingham, leather seller, Aug. 14 and Sept. 19 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Rawlins, Birmingham.—Fiat dated July 24.

THOMAS SOUTHERN, Gloucester, grocer, Aug. 25 at 12, and Sept. 15 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Osborne & Ward, Bristol; Murray, New London-street, City.—Fiat dated July 25.

JOHN HARRIMAN and THOMAS HARRIMAN, Nottingham, drapers, Aug. 11 and Sept. 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. W. & R. Parsons, Nottingham.—Fiat dated July 26.

SARAH ROSS and TIMOTHY ROSS, Leicester, hosiers and worsted manufacturers, Aug. 11 at 2, and Sept. 26 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Brown & Palmer, Leicester; Arnold & Co., Birmingham.—Fiat dated July 22.

ROBERT CROSBIE, Sutton, Cheshire, tea dealer and linen draper, Aug. 18 at 12, and Sept. 8 at half-past 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Minshull, Liverpool; Vincent & Co., Temple.—Fiat dated July 29.

GEORGE ALLISON, Darlington, Durham, scrivener and ship owner, Aug. 16 and Sept. 26 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Philipson, Newcastle-upon-Tyne; Tilson & Squance, Coleman-street, London.—Fiat dated July 22.

## MEETINGS.

Edmd. H. Labatt, Mincing-lane, London, merchant, Aug. 15 at 11, Court of Bankruptcy, London, pr. d.—W. G. Pitt, Cheltenham, Gloucestershire, banker, Aug. 22 at 12, District Court of Bankruptcy, Bristol, pr. d.—Wm. Harris, Castle Hayes, Tutbury, Staffordshire, brick maker, Aug. 18 at 11, District Court of Bankruptcy, Birmingham, ch. ass.—John

Bowering and Wm. Garrard, Exmouth-street, Clerkenwell, linen drapers, Aug. 19 at half-past 10, Court of Bankruptcy, London, last ex. John Bowering.—Geo. Oldham, Manchester, wine and spirit merchant, Aug. 29 at 12, District Court of Bankruptcy, Manchester, last ex.; at 1, aud. ac.—Jos. Oates, Glossop, Derbyshire, innkeeper, Aug. 29 at 11, District Court of Bankruptcy, Manchester, last ex.—Francis M. Luckman, Broughton, Manchester, and Liverpool, linen draper, Aug. 29 at 11, District Court of Bankruptcy, Manchester, last ex.—Sarah Chapman, Liverpool, ship chandler, Aug. 22 at 11, District Court of Bankruptcy, Liverpool, last ex.—Edward Conden, Milton-st. and Edward-st., Dorset-square, builder, Aug. 28 at 11, Court of Bankruptcy, London, aud. ac.—Thos. Evans, Walsby, Montgomeryshire, and Oswestry, Shropshire, draper, Aug. 28 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Aug. 29 at 12, fn. div.—Pet. J. Papillon, Leeds, Yorkshire, wine merchant, Sept. 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Sept. 7 at 11, div.—Edward Green, Clifford-street, Bond-street, tailor, Aug. 25 at half-past 11, Court of Bankruptcy, London, div.—John O. Palmer, Liverpool, music seller, Aug. 25 at 12, Court of Bankruptcy, London, div.—Thomas Gorton, jun., Grosvenor-row, Pimlico, bookseller, Aug. 25 at half-past 12, Court of Bankruptcy, London, div.—Hutchinson Mure, Robt. Mure, and Wm. Mure, Fenchurch-street, London, merchants, Aug. 26 at 12, Court of Bankruptcy, London, fn. div.—Daniel Baseley, High-street, Southwark, and Surrey-place, Old Kent-road, cheesemonger, Aug. 28 at 1, Court of Bankruptcy, London, div.—Herbert Hardie, Manchester, merchant, Aug. 30 at 1, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Charles States, Southampton, hotel keeper, Aug. 25 at 2, Court of Bankruptcy, London.—John Van, Milton nest Gravesend, Kent, gold-lace manufacturer, Aug. 26 at half-past 2, Court of Bankruptcy, London.—Charles Young, Shirley, Southampton, carpenter, Aug. 25 at 2, Court of Bankruptcy, London.—John M. Corthorn, March, Isle of Ely, Cambridge-shire, sheep salesman, Aug. 29 at 2, Court of Bankruptcy, London.—James Rowe, Blandford-street, Marylebone, iron-monger, Aug. 30 at 11, Court of Bankruptcy, London.—Jas. Breasley, Leeds, Yorkshire, victualler, Sept. 5 at 11, District Court of Bankruptcy, Leeds.—John Furze, Paington, Devon-shire, victualler, Aug. 29 at 11, District Court of Bankruptcy, Exeter.—Robt. Waddington, Boston, Yorkshire, grocer, Sept. 5 at 11, District Court of Bankruptcy, Leeds.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Aug. 25.

Philip Speyer and Joseph Shuback, High Holborn, tailor.—Henry Thompson, Bristol, saddler.—Chas. Altiss, Conduit-street, Hanover-square, upholsterer.—John Shaw, Seymour-place, Camden-town, builder.—Thos. Goodwin and W. H. Griffin, Loscoe, Heanor, Derbyshire, lime burners.—Jas. Saint, Haltwhistle, Northumberland, builder.—Hen. Candall, Little Hadham, Hertfordshire, innkeeper.—Henry Howell, Charles-street, Manchester-square, merchant.—G. Flowers, Hawk-cottage, Hammersmith, auctioneer.—Fras. Szarka and George Szarka, New Bond-street, furriers.—Fred. Singleton, Liverpool, merchant.

## FIAT ANNULLED.

Joseph Fletcher, Thomas Fletcher, and Samuel Densiston, Halifax, Yorkshire, woollen manufacturers.

## SCOTCH SEQUESTRATIONS.

J. Dowie, Heatheryford, Kinross, wright.—Andrew Clark, Alloa, merchant.—Jas. Strachan, Leith, wright.—Jas. and Hugh Ritchie, Saltcoats, merchants.—Alexander Macdonald, Millburn, near Inverness, distiller.—James Webster & Co., Greenock, drapers.

## DECLARATIONS OF INSOLVENCY.

Edward Crosby, Queen's-st., King's-rd., Chelsea, bricklayer.—Julian Payne, Southampton-street, Camberwell, Surrey, clerk.—Philip Spencer Harrison, High Holborn, furnishing iron-monger.—Charles Melton, Woolwich, Kent, tobaccoconist.—John Stratford, Hammersmith, market gardener.—Thomas Allen, John-street, Waterloo-road, Lambeth, artificial flower manufacturer.

*Richard Wright*, Rotherhithe, Surrey, surgeon.  
*Henry Scott*, Bishopwearmouth, Durham, linen draper.  
*Henry Hill Oliver*, Torpoint, Cornwall, mercer.  
*Bleazer Morris*, Llanelli, Carmarthenshire, clerk.  
*Thomas Ockerby*, Dewsbury, Yorkshire, livery-stable keeper.  
*Fredrick William Painter*, Leonard-square, Shoreditch, retailer of beer.

*George Ford*, Babwith, Yorkshire, bricklayer.  
*Robert Croker*, Bath, Somersetshire, bookseller.  
*Richard Chadwick*, Stonefold, Lancashire, farmer.  
*Samuel M. Millen*, Llangollen, Denbighshire, tea dealer.  
*John Sandland*, Wem, Shropshire, cabinet maker.  
*William Gorkam*, Trimley, Suffolk, shopkeeper.  
*Thomas Roper Hawker*, Bell-yard, London, tailor.  
*John Tibbs*, Grove-lane, Stamford-hill, West Hackney, gentlemen's coachman.  
*Charles George Thompson*, Macsinore-terrace, New Peckham, assistant to a hostler.

*J. Whitley Cooper*, Hellesdon, Norwich, attorney at law.  
*James Broad*, Moss-end, Smallwood, Asbury, Cheshire, labourer.

*John Smith*, Edgbaston, Warwickshire, out of business.

#### MARTINES.

*Thomas Williamson*, Stockport Great-moor, near Stockport, Cheshire, out of business, Aug. 15 at 11, Prescott's, Manchester, sp. aff.—*Simon Waterman*, Crowfield, Suffolk, cattle dealer, Aug. 21 at 12, Rodwell & Co.'s, Ipswich, sp. aff.

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# The Jurist

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LONDON, AUGUST 12, 1843.

A case has lately been determined by his Honor the Vice-Chancellor of England, as to what is an advancement by a parent to a child, (*Rowles v. Rowles*, ante, p. 68), which appears to introduce a distinction tending rather to embarrass a subject already vague and unsatisfactory.

Owing to the indefinite nature of the terms used in the cases upon advancement, it is very difficult to extract from them what is the true principle on which to determine when a payment made by a father for his son out of personal estate is, and when it is not an advancement. It is generally understood, that a "provision" for a child made by some act of the father during his lifetime, whether it be to take effect before or after the father's death, is an advancement. Thus a provision by settlement during the father's life, or an annuity, or a portion, secured to be paid after the father's death, is an advancement; so a portion originally contingent is an advancement when the contingency happens, provided the contingency be limited to happen within a reasonable time.

Again, the purchase of an office of emolument, or of a commission in the army, or of an ecclesiastical benefice, is an advancement. All these are undoubtedly "provisions" for a child, though they are provisions of very different characters.

The next class of payments, held advancements, is, that where a sum of money in gross is paid by the father by way of premium for putting his son out an apprentice, or to set him up in trade, or the like. Such payments are undoubtedly intended to be, and in all probability are usually in the result, benefits to the son; but they can hardly be called provisions, for they are wholly uncertain, and are not in fact actual interests of any kind in point of law. They carry therefore the principle of advancement a step further than the other

cases, establishing this, that an advancement may be without any actual provision for the child, provided there be an intended and probable benefit. It is difficult to distinguish, referring to the principle of this last class of cases, what difference there can be between giving to a son a sum of money to enable him to set up in business, and paying off for him a debt, the pressure of which prevents him from setting up in business. In either case there is a valuable consideration moving from the father, and a benefit to the child, and many cases must constantly arise, particularly within the jurisdiction of the custom of London, in which the payment of the son's debt is as effectually a payment assisting in setting him off in business, as the advance of a sum of money specifically by way of capital. Nevertheless, it was formerly laid down (Swinb. part 3, s. 18, n. 21) that the payment of a son's debt by the father is no advancement; and though this doctrine is shaken by a case before Sir J. Leach, (*Gilbert v. Wetherell*, 2 S. & S. 254), and by what fell from his Honor during the argument in *Rowles v. Rowles*, yet it can hardly be said to be fully established by authority, that, in any case the payment of the son's debt is clearly and per se an advancement. In *Gilbert v. Wetherell* the circumstances were peculiar. The father being very desirous, contrary to the son's inclination, that the son should engage in the business of a sugar refiner, urged and succeeded in persuading him to commence such business, and for that purpose lent him 10,000*l.*, taking the son's promissory note as a security. The business was carried on for a time unsuccessfully, and eventually the father gave bills to the creditors for their payment, taking a transfer of the stock in trade from the son. The property was sold, and instead of there being any surplus to go in diminution of the debt to the father, he was considerably in advance on account of the payments made by him to the creditors. Down to this period of the transaction, it is clear that the sums paid originally to the son, and

subsequently on his account to the creditors, were simply the debt of the son to the father. Subsequently the father, during his last illness, burned the promissory note, and the evidence went to shew that the father had intended his conduct on the winding up of the sugar concern, and the burning of the note, as an extinguishment of the debt. That was the first question; and the second was, whether, if the father had extinguished the debt in equity, the sums paid by him might not be considered an advancement. Sir J. Leach held that under the circumstances, there was an equitable release of the debt, but that the sum which on the account appeared to be due on the promissory note was an advancement. The decision therefore amounts to this, that the father paid the son's debt to himself, and that such payment was an advancement within the statute. This case will not probably be thought an authority for the broad proposition that the payment by a father of his son's debt to a stranger, though made for the express purpose of enabling him, by freeing him from such debt, to establish himself in business, would be an advancement; still less for the proposition, that the mere payment of the son's debt without reference to the object, would be an advancement. At the same time, we cannot see how, in principle, there is any material difference between the supposed cases and *Gilbert v. Wetherell*. In that case, there was no advancement till the extinguishment of the debt. It was not made, therefore, as an advance of specific capital for setting the son up in business, or otherwise establishing him in life, but simply for the purpose and with the effect of freeing him from the clog of an antecedent liability. It was, for all practical purposes, merely the payment of the son's debt. In *Rowles v. Rowles*, it would seem, from the question put by his Honor the Vice-Chancellor during the argument, that he thought the payment of a debt may be an advancement; and in his decision, he carefully avoids denying that proposition, putting his determination on the ground, that the debt of the son was not paid by a payment en masse, but from time to time. We do not quite understand the ground of this distinction, where the debt is, as in *Rowles v. Rowles*, one specific debt. If the case had been, that the father had paid at different times several debts of the son, amounting in the aggregate to a considerable sum, then we can readily perceive, that, by analogy to the cases where the gift from time to time of inconsiderable sums is not held an advancement, such payment of several and successive debts could not be so held. But we do not see on what principle, if the payment of a specific debt by one payment may be an advancement, what difference it can make, that the father paying the particular debt, pays it by instalments, instead of paying it at once. The circumstance of the payment having been from time to time is, however, distinctly stated as the ground of his Honor's judgment in *Rowles v. Rowles*, and, taken in connexion with his observation during the argument, leaves us to infer, that he would by no means lay down the proposition, that the payment of a debt cannot be an advancement.

The result on the whole seems to be, that, on principle, there is good reason for thinking that the payment of a specific debt may be an advancement: that,

on authority, it seems unsettled whether the payment, strictly so called, of a debt, that is, of a debt of the son to a stranger, can be an advancement; but that, at any rate, on the authority of *Rowles v. Rowles*, it cannot be so, where it is paid from time to time.

### EQUITY PLEADING.

OBJECTION FOR WANT OF PARTIES UNDER THE 39TH ORDER OF AUGUST, 1841.

Most of the alterations in equity pleading which the Orders of August, 1841, commonly called Lord Cottenham's Orders\*, were intended to effect, were of a stamp, which the wisdom of those who framed them rightly judged inapplicable to all the variety of cases which daily occur in practice. A system of pleading, which, having its foundation in the civil law, owed its superstructure, and its adaptation to the wants of man, to the learning and experience of all the eminent persons, who have practised in and presided over the Court of Chancery, from the earliest period of its establishment as a court of law, could not be suddenly or violently altered as to any of its parts, without endangering its consistency as a whole. Unless in that system there was some positive defect, about which no doubt could exist, no positive remedy was to be applied; and what had stood the test of ages was to be left untouched, unless some improvement could be pointed out, of which the parties were to be at liberty to avail themselves or not as the exigencies of each particular case might require. This it is submitted is the principle, which will be found to pervade the alterations introduced into equity pleading by the Orders alluded to, and which gives to them (if the expression be not a solecism) a permissive, or suggestive, rather than an obligatory or imperative character. In a few years' time, when that prejudice in favour of old forms which rests on their antiquity, shall have passed away with those who were bred up in them, it may perhaps be a curious inquiry to consider what actual effect these Orders have had upon the science of pleading. Hitherto, they have been, and, for some time to come, must needs be considered as mere rules distinct from, or forming but an awkward excrescence upon, the system. It may safely be affirmed, that the profession, with its characteristic caution and dread of things new and untried, have shrunk from that free use of them which alone can lead to their being engrafted into the system; and that the judges, no doubt affected in a similar manner, have not by their construction of them afforded much encouragement towards their adoption.

After premising thus much, it will not be expected that we are going to take any general prospective or retrospective view of the Orders; nor do we intend to attempt to point out what has been, or probably will be, the effect of any one or more of them. We propose merely to inquire in what cases the pleader can, with any practical utility, avail himself of the 39th Order, which provides, that, where the defendant shall by his answer suggest that the bill is defective for want of parties, the plaintiff shall be at liberty, within fourteen days after answer filed, to set down the cause for argument, upon that objection only; and that where the plaintiff shall not so set down his cause, he shall not at the hearing, if the defendant's objection shall then be allowed, be entitled as of course to an order to amend; but the court, if it thinks fit, shall be at liberty to dismiss the bill.

In the first place, it is to be observed that this Order

\* It is not, perhaps, generally known, that the profession is indebted for at least a very considerable portion of the improvements introduced by these Orders, to the ingenuity and profound learning of the late lamented Mr. Jacob.

was made for the benefit of the plaintiff. No alteration is effected with respect to the mode in which the defendant may take an objection for want of parties. He may still do so by plea, by demurrer, or by answer, which latter mode is generally the most convenient to himself, and was, previously to this Order, the most inconvenient to the plaintiff, who was obliged to allow the objection thus taken to hang over his head until the case came on for hearing upon the merits, when, if it prevailed, it protracted the determination of his suit until the necessary parties could be brought before the court by amended or supplemental bill. Now, however, he is enabled to take a short issue upon the question of parties, which, in whatever way decided, leaves his course clear with respect to it. Thus, the effect of the plaintiff setting down the cause upon the objection, mimulates the case, so far as the issue is concerned, to a plea or demurrer. But it appears somewhat difficult to determine whether this resemblance extends any further than to the issue raised—whether in fact the mode of trying the issue is to be assimilated to the case of a plea, or to that of a demurrer, or whether it is to be fixed upon some principle, distinct from either. The learned reader needs not to be reminded, that, in the case of a plea, which is set down for argument, the truth of the matter alleged as its foundation, is admitted; and in the case of a demurrer the statements of the bill, out of which the question arises, are taken to be true. Since however the form of pleading, irrespective of the rules concerning pleas and demurrers, affords no guide for ascertaining the principle upon which the issue is to be tried, how, it is asked, can the court proceed, except by analogy to those rules? It is urged, that, by adopting this analogy, the court takes from the defendant the advantage he has proposed to himself, by framing his defence in the shape of an answer, by which form of pleading he can more effectually meet the entire case made by the bill; and, in effect, converts that defence into a dilatory plea,—a form of pleading which the defendant has thought proper to reject. But this argument suggests its own refutation. The objection for want of parties is, in substance, a dilatory plea, and, for that very reason, the court has, by the 39th Order, given the plaintiff the option of so treating it, although the defendant, by avoiding to raise it in a short and strictly formal and technical manner, has made it part of his general defence. We say then, that the objection must be tried upon this analogy; and we would submit that a satisfactory principle might be laid down, upon which it might be tried in some cases by analogy to a plea, and in others by analogy to a demurrer. Where the objection appears upon the face of the bill—in which case a demurrer would lie—there it might be tried as a demurrer, upon the question, whether, taking the case to be as stated by the bill, such or such persons ought or ought not to be parties to the suit. Where, on the other hand, the objection does not appear upon the bill, but is raised for the first time by the answer, which would be the proper case for a plea, then it might be tried as a plea, i. e. upon the assumption of the truth of the facts alleged in support of it by the answer. The plaintiff, if convinced that the objection has no foundation in fact, can disregard it, and replying to the answer, put the defendant upon proof in the same manner as he might do by replying to the plea. Every objection must either appear on the bill, or be raised by the facts stated in the answer. In the former case, we say, it is in substance a demurrer, and in the latter a plea; and unless it is to be tried by the same rules which regulate those forms of pleadings, we conceive, that every endeavour to determine its validity must proceed upon vague and uncertain grounds, and that the 39th Order will ere long be condemned as a failure.

The principle which is here contended for, although

not in terms acknowledged, would seem to have been acted upon in the case of *Bradstock v. Whatley*, (7 Jur. 409), in which case it seems that the alleged defect for want of parties was apparent upon the bill; but the Master of the Rolls was of opinion, that, if the plaintiff should be able to establish the case made by the bill, (in other words assuming that case to be true), there would be no want of parties, and he did not allow the objection to prevail. It should be observed, however, that the defendant, in that case, claimed the right to open the objection, as being in the nature of a demurrer; but his Lordship considered, that, as the cause was set down by the plaintiff, it was for him to open the objection. It is however very difficult to see any distinction, in this respect, between an objection for want of parties, and a plea or demurrer, which are both set down for argument by the plaintiff. The affirmative in each case lies upon the defendant\*.

From what has been said, it will, we hope, appear to be clear, that, where the plaintiff considers the objection so deficient in point of law, that it cannot prevail against him, or where it is founded upon statements which he thinks the defendant cannot prove, or he can himself disprove, it will not be desirable for him to adopt the mode of procedure which the 39th Order provides; for, in the one case, he will thereby involve himself in an expensive and dilatory discussion, as to the result of which he is certain; and in the other, the means of defeating the objection are in his own hands, by disproving, or by putting the defendant to prove, the truth of the allegations upon which it is made to rest. Where, however, any question depending upon doubtful principles (and many such questions are to be found in connexion with the law relating to parties) is raised by an objection thus taken, which may affect the whole frame of the suit, and which, if decided against him, may deprive him of all title to relief, the plaintiff will do well to take the opinion of the court upon it before it is too late. It may happen, that the object of the suit not being single, the objection for want of parties may apply to some portion only of the relief thereby sought, in which case it appears, that, inasmuch as a demurrer on that ground would not have covered the whole bill, the objection will be overruled, and the plaintiff, if he do not choose to amend his bill, must carry the suit to a hearing at his own risk. (*Grubb v. Perry*, 7 Jur. 637). In such a case, it is obvious the plaintiff will gain nothing by setting down the cause for hearing upon the objection, for he may be sure that it will be overruled; and after the warning which he has thereby received, his chance of obtaining leave to amend at the final hearing of the cause, if the objection then prevails, will be more slight than if he had even disregarded it altogether.

It remains to be observed, that several objections for want of parties may be taken by the same answer, to some of which the plaintiff may be desirous to submit, and as to the others, to take the opinion of the court. The mode in which this is to be done does not clearly appear. The Order directs simply, that the cause shall be entered in the Registrar's book, as "set down upon the defendant's objection for want of parties." In the case of *Bradstock v. Whatley*, already referred to, in which several objections were taken, the cause was set down in that form; and the Registrars were of opinion that there could be no qualified entry of the cause, as to one or more particular objections. The order then made was to the following effect:—"The defendant, by his answer, having taken several objections to the plaintiff's bill for want of parties, the cause was set down for hearing upon such objections, and the cause

\* See *Roberts v. Marchant*, (1 Hare, 545) and *Lloyd v. Smith*, (7 Jur. 460), in both of which cases the defendant appears to have opened the objection.

coming on &c., the plaintiff desired the opinion of the court, whether A. B. was or not a necessary party; and his Lordship decided, that he was not a necessary party to this suit." If the plaintiff has the right to open the objections, there can be no strong reason against this course, except that the defendant may say that he is entitled to know what objections he is to be called upon to support; but if the defendant has the right to open them, it would seem to be necessary that there should be some mode, by which the plaintiff could point out what objections he meant to submit to, and what he meant to contest.

#### ON CONVERTING INTEREST INTO PRINCIPAL IN MORTGAGE TRANSACTIONS.

It seems admitted, in several cases, that as between mortgagor and mortgagee, if there be an actual arrear of interest, it may, by clear and fair agreement between the parties, but not otherwise, be converted into principal. The leading case generally referred to on this point is *Lord Ossulston v. Lord Yarmouth*, (1 Salk. 449). There there was a mortgage, with a proviso that if interest was behind six months, then the interest should be accounted principal and carry interest; and per Cowper, C., this clause was decreed to be vain and of no use, saying "No precedent had ever carried the advance of interest so far, and that an agreement made at the time of the mortgage will not be sufficient to make future interest principal; but to make interest principal it is requisite that interest be first grown due, and then an agreement concerning it may make it principal." In *Brown v. Barkham* (1 P. W. 853) there was a mortgage at 6l. per cent., proviso to accept 5l. per cent. if paid within three months after due, and there being a great arrear of interest, the mortgagee sent an account in writing of the sum due to him for interest, computing it at 6l. per cent., and the mortgagor returned an answer, allowing the account, desiring forbearance, and promising to make satisfaction to the mortgagee for the same; and the question was, whether the interest should be converted into principal. It was argued that the letter signed by the mortgagor made it a stated account; but Parker, C., said, "Suppose the mortgagor signs an account whereby he owns so much money due for interest, I question whether this will make the interest principal, because of itself it does not shew any agreement or intent to alter the nature of that part of the debt, or turn it into principal; nor does it appear to have been ever so determined. I conceive, to make interest on a mortgage principal, it is requisite there should be a writing signed by the parties, forasmuch as the estate in the land is to be charged therewith; but in the principal case the mortgagor does fulfil his promise by making satisfaction to the mortgagee for his forbearance, since this provision obliging the party to pay 6l. per cent. in default of paying 5l. within three months after due, is generally looked upon as a penalty, and in terrore, to be relieved against if only a very short time has happened, though it seems not to be relievable against in case of a long arrear of interest."

Again, in *Thornhill v. Evans*, (2 Atk. 330), where the mortgagee at the end of every six months had forced the mortgagor to turn the interest in arrear into principal at 5l. per cent, whereas the original mortgage was only at 4l. 10s. per cent., Lord Hardwicke relieved against this transaction, saying, "The excuse for the defendant is, that, if the mortgagor does not pay interest regularly, the mortgagee may upon agreement turn the interest into principal; but then it must be done fairly, and is generally upon the advance of fresh money; and even then it is reckoned a hardship on a mortgagor, and an act of oppression." These and

other cases (*Sackett v. Bassett*, 5 Mad. 58; *Chambers v. Goldwin*, 9 Ves., per Lord Eldon, p. 271; *Boddam v. Riley*, 2 Bro. C. C. 2) establish or admit these two points:—that a prospective agreement between mortgagor and mortgagee, that, if interest is not paid at given time it shall be converted into principal, cannot be supported; but that, if the parties come clearly and regularly to a stated account, then, from and on the footing of such stated account, interest may be converted into principal. The ground of the latter rule is, that where there is a stated account there is an implied contract on the part of the debtor to pay, (per Thurlow, C. 2 Br. 2), and only where that ground exists will the conversion of interest into principal be permitted. (Of course such a contract between mortgagor and mortgagee cannot be permitted to prejudice a subsequent incumbrancer, of whose incumbrance the mortgagee has notice. (*Digby v. Craggs*, 2 Amb. 612; and see *ib.*, n. 1).

But the conversion of interest into principal will also be supported on a transfer of a mortgage with the consent of the mortgagor, as between the parties to the transaction. On this point Lord Hardwicke, C., said, in *Ashenhurst v. James*, (3 Atk. 271), "The general rule is, that where a man takes a security on mortgage, as there is an arrear of interest thereon, if the incumbrancer assigns the same with the concurrence of the mortgagor, the interest paid to the mortgagee by the assignee shall be taken as principal, and carry interest. But where it is assigned without the consent of the mortgagor, the assignee must take it only upon the same terms with the assignor. (*Porter v. Hubbard*, 3 Ch. Re. 78; *Earl of Macclesfield v. Fitton*, 1 Vern. 168).

In two earlier cases indeed, (*Smith v. Pemberton*, Ch. Cas. 67; and *Gladman v. Henchman*, 2 Vern. 135) where it is to be collected that the transfer was without the knowledge of the mortgagor, it was held, nevertheless, that the sum actually paid by the assignee for principal and arrears of interest was to be taken as principal; but these cases are clearly overruled, directly by *Ashenhurst v. James*, and indirectly by later authorities. In *Matthews v. Walwyn*, (4 Ves. 118), the question was, whether an assignee of a mortgage, without the concurrence of the mortgagor, could claim against the mortgagor for the amount appearing due on the mortgage-deed, without reference to the actual state of the account between the mortgagor and the mortgagee; and the court held, that he could not. In the course of his preliminary observations, the Lord Chancellor remarked that a mortgagee might convey the estate, the land vested in him, without the privity of the mortgagor; but he could not charge more money; he could not increase the principal; he could not make the interest principal: and in the judgment, commenting on a contrary opinion attributed to Lord Thurlow, his Lordship repudiated that opinion, and determined, as we have already stated, against it.

Again, in *Chambers v. Goldwin*, (9 Ves. 254), Lord Eldon observed, (p. 264), that it was settled, that, if assignment of a mortgage is taken without the intervention of the mortgagor, whatever the assignee pays, he can claim nothing under the assignment but what is actually due between the mortgagor and mortgagee. Now, it is quite clear from the cases above referred to, that, in the absence of express stipulation on a stated account, in fact in the absence of a fresh contract between the mortgagor and mortgagee, nothing can be due to the mortgagee but the principal and simple interest; and therefore, it follows, that the assignee of the mortgage standing in the place of the mortgagor, cannot, by his contract with the mortgagee, be entitled as against the mortgagor, not being a consenting party, to convert arrears of interest into capital. This rule is plainly consistent, not only with the principle of mortgage securities, but with common sense and equity. For the mortgagee having accepted a specific pledge as a security for

his money, with specific contracts and remedies upon them, as to the extent of his rights of repayment, and the modes of enforcing such rights, it would be indeed a strange doctrine, that the mortgagee should, by a dealing with a third party without the consent of the mortgagor, be able to fix him with a greater debt than that for which he had himself pledged his land.

C. S. D.

#### OF THE LIABILITY OF TRUSTEES HAVING AN OPTION BETWEEN TWO MODES OF INVESTMENT.

Until lately it was not quite settled what would be the proper mode of dealing with trustees, where a fund being settled on trust to invest in land or in the public funds, the trustees have invested on some security not authorized by the settlement. We are only apprised of two cases bearing directly on this point, and they are in opposition to each other. In *Marsh v. Hunter*, (6 Mad. 235), which is, like a great many of the cases in Madock, reported so meagrely as to afford comparatively little instruction, it is said that the Vice-Chancellor, Sir J. Leach, ruled, "that if trustees may invest in stock or on real security, and they lend on personal security, and thereby the money is lost, they shall be answerable, not for the amount of stock which might have been purchased, but for the principal-money lost. If real security had been taken, the principal-money only would have been forthcoming to the trust, and the want of real security is all that is imputable to the trustees." In a subsequent case of *Hockley v. Bantock*, (1 Russ. 141), in which the foregoing case was not cited, the testator directed his executors to invest a fund in the public funds, or on mortgage at 5% per cent. The executors were charged by the bill with retaining balances, and omitting to invest them either in the funds or on mortgage; and the question raised was, whether the plaintiff was entitled to an inquiry what were the prices of 3% per cent. stock at the respective times when the balances should be found to have been in the hands of the executors; indirectly, therefore, whether they were to be charged with the principal trust-moneys, or with so much stock (if the cestuis que trust so elected) as might have been purchased, had they been invested in stock. The Master of the Rolls at first expressed a doubt whether he ought to direct an inquiry concerning the prices of stock, when the executors who had retained the balances in their hands had the alternative expressly given them of investing the assets either on government securities or on mortgage. Finally, however, he decided that the plaintiffs were entitled to the inquiry. This case amounts, it must be observed, to a strong expression of opinion only; for, although we are not to assume that the court will direct inquiries, without any reference to the question whether those inquiries may be material or not; yet there is much difference between directing inquiries,—a step by which the court is of course not bound at the hearing,—and a deliberate and positive decision. In a very recent case, (*Watts v. Girdlestone*, reported ante, p. 501), the question has however received a formal decision. In that case the trustees of a marriage-settlement were empowered, with the consent of the husband and wife, to lay out the trust-fund in the purchase of land, and in the meantime, and until a proper investment in land could be obtained, they were empowered with the like consent to invest in the public funds. Instead of adopting either of these investments, they lent the fund, on the written authority of the husband and wife, to the husband, principally on his personal security. The husband became bankrupt; and the question was, whether they were to replace only the principal money, or the sum of stock that might have been purchased with the trust-fund if

it had been properly invested; and Lord Langdale held, as the readers of our reports will have seen, that the trustees were answerable to the cestuis que trust at their option, to account either for the trust-fund or the stock that it would have purchased. His Lordship fixed the period at which their liability to account as if they had invested in stock, not at the period of the original neglect to invest, but at the period of the loan to the husband. The ground of this part of the judgment we are not able to understand; for, if the trustees were liable to such option in the cestuis que trust, on the ground of their breach of trust, then, inasmuch as the breach of trust commenced, not by the loan to the husband, but by the neglect to adopt one or other of the investments authorized by the settlement, it is difficult to see why that period should not have been taken as the period from which to calculate the sum of stock for which they would be liable. The principal point however seems now to be set at rest; and we may assume, that where trustees have an option of investing in one of two funds, and they adopt neither, but commit breach of trust by investing on an unauthorized security, the cestuis que trust shall have an option to elect which of the two modes of investment would, as it turns out, have been most for their advantage, and be accounted with on that footing; and that, although the consent of other parties may be prescribed in the power, as requisite to enable the trustees to select either mode of investment.

#### Imperial Parliament.

##### HOUSE OF COMMONS.

Saturday, Aug. 5.

The Limitation of Actions (Ireland) Bill and the Mandamus Appeals Bill were read a third time.

Wednesday, Aug. 9.

The Libel and Defamation Bill was read a second time.

##### HOUSE OF LORDS.

Thursday, Aug. 10.

The Royal Assent was given to the Controverted Elections Bill, the Bills of Exchange Bill, and the Limitation of Actions (Ireland) Bill.

##### HOUSE OF COMMONS.

Thursday, Aug. 10.

The Designs Copyright Bill was read a third time and passed.

The Public Notaries Bill was read a second time.

On the Law of Evidence Bill being called on to be read a third time, some opposition was made, and the discussion upon it was ultimately deferred till the following day (yesterday).

#### London Gazettes.

##### TUESDAY, AUGUST 8.

###### BANKRUPTS.

ROBERT WILLS and RICHARD DAVY, Oxford-street, drapers, Aug. 18 at 10, and Sep. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Ashurst, Cheapside.—Fiat dated July 31.

CHARLES BECK, Leadenhall-street, ship and insurance brokers, Aug. 16 and Sep. 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Jorleson, 2, St. Mary-at-Hill.—Fiat dated June 27.

HENDERSON WILLIAM BRAND, Little Stanhope-st., Mayfair, Middlesex, cook, Aug. 16 at 1, and Sep. 21 at half-past 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Richardson & Co., Golden-square.—Fiat dated July 31.

WILLIAM GRAYLING, jun., Greenbank, Wapping, Middlesex, tallow chandler and tallow melter, Aug. 21 at 1, and Sep. 19 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Nias, Copthall-court.—Fiat dated Aug. 4.



**WILLIAM SMITHSON**, Thirsk, Yorkshire, linen and woolen draper, Aug. 18 and Sep. 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Arrowsmith & Co., Thirsk; Payne, Leeds.—Fiat dated Aug. 3.

**GEORGE SAVAGE**, Sheffield, Yorkshire, razor manufacturer, Aug. 17 and Sep. 14 at 1, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Bramley, Sheffield.—Fiat dated Aug. 3.

**JOSEPH REEP BEER** and **WILLIAM HENRY BAS-TICK**, St. Thomas the Apostle, Devonshire, coal merchants, Aug. 23 at 11, and Sep. 13 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Head, Exeter; Downes & Co., Farnival's-inn, London.—Fiat dated Aug. 2.

**THOMAS PARRY**, Mold, Flintshire, draper and grocer, Aug. 18 at half-past 12, and Sep. 18 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Jones, Brynhyfryd, near Rathin, Denbighshire; Milne & Co., Temple.—Fiat dated Aug. 1.

**STEPHEN BOULTON**, **WILLIAM GREENBANK**, **THOMAS BOULTON**, and **JOHN DUNCALF**, Tunstall, Wolsanton, Staffordshire, china manufacturers, Aug. 12 at half-past 12, and Sep. 26 at half-past 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Llewellyn and Cooper, Tunstall; Smith, Birmingham.—Fiat dated May 11.

#### MEETINGS.

*Simon Davis*, Church-lane, Whitechapel, linen-draper, Aug. 18 at half-past 10, Court of Bankruptcy, London, ch. ass.—*Judah De Jacob Pariente*, Bury-street, St. Mary Axe, merchant, Aug. 17 at 12, Court of Bankruptcy, London, last ex.—*Henry Walton*, jun., Crowland, Lincolnshire, wheelwright, Aug. 17 at 11, Court of Bankruptcy, London, last ex.—*John Baylis*, jun., and *James Baylis*, Gutter-lane, Cheap-side, crape manufacturers, Aug. 18 at 2, Court of Bankruptcy, London, last ex.—*James Michael Mallan*, Ludgate-hill, dentist, Aug. 31 at 2, Court of Bankruptcy, London, aud. ac.—*John Nottingham*, Cheltenham, Gloucestershire, picture dealer, Sept. 1 at 2, District Court of Bankruptcy, Bristol, aud. ac.—*Wm. Jones*, Higher Babeleigh-farm, Landkey, and Newport, Bishops Tawton, Devonshire, lime burner, Sept. 6 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 17 at 11, div.—*Thomas Lampen*, Devonport, Devonshire, linen-draper, Sept. 6 at 12, District Court of Bankruptcy, Exeter, aud. ac.; Sept. 7 at 12, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John Mee*, Wellingborough, Northamptonshire, baker, Aug. 29 at half-past 1, Court of Bankruptcy, London.—*Thos. Hobbs*, Nettlebed, Oxfordshire, potter, Aug. 29 at half-past 12, Court of Bankruptcy, London.—*Albinus Carter*, Custom-house-chambers, Lower Thames-street, insurance broker, Aug. 30 at 1, Court of Bankruptcy, London.—*Daniel G. Gordon*, Mortimer-street, Cavendish-square, Middlesex, merchant, Aug. 30 at half-past 1, Court of Bankruptcy, London.—*John L. Foster*, Jewry-street, Aldgate, coach and harness maker, Aug. 30 at half-past 12, Court of Bankruptcy, London.—*John Joseph D. Denuelaim*, Leicester-square, St. Martin-in-the-Fields, lodging-house keeper, Aug. 30 at half-past 11, Court of Bankruptcy, London.—*Fredk. Markby*, Peterborough, Northamptonshire, common brewer, Aug. 29 at 11, Court of Bankruptcy, London.—*John Nottingham*, Cheltenham, Gloucestershire, picture dealer, Sept. 1 at half-past 1, District Court of Bankruptcy, Bristol.—*Adam Howie*, Lambeg, Down, bleacher, Aug. 31 at 12, District Court of Bankruptcy, Liverpool.—*George Leeson*, Birmingham, factor, Sept. 5 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Aug. 29.*

*Edward Jenkins*, Leominster, Herefordshire, tailor.—*Jos. Nye*, Bridge-house-place, Southwark, surgical instrument manufacturer.—*Samuel Quickfall*, Newcastle-upon-Tyne, draper.—*Henry Lewis*, Llandovery, Carmarthenshire, draper.—*Richard Field*, Plummers-row, Whitechapel, varnish manufacturer.—*Thomas Gidden*, Farringdon, Berkshire, licensed victualler.—*Henry Elvins*, Warwick, innkeeper.—*Edmund Collings*, Southampton, perfumer.—*Wm. Elliott*, Wakefield, factor.—*J. Auty*, Heckmondwike, Birstal, Yorkshire, miller.—*William Bury*, Blackburn, Lancashire, grocer.—*Hen. Conn*, St. Clement, Truro, and Gwennap, near Truro, Cornwall, ar-

senic manufacturer.—*Richard Pitt*, jun., West Bromwich, Staffordshire, hatter.—*Geo. Butler*, Witham, Essex, builder.—*Joseph N. Ryalls*, Sheffield, and *Elsicar*, Yorkshire, vessel owner.—*Edw. Conden*, Milton-st. and Edward-st., Dorset-square, builder.—*John O. Palmer*, Liverpool, music seller.—*Frank Popplewell*, White Lee, Batley, Yorkshire, blanket manufacturer.—*John Burgess*, Manchester, beer seller.—*Hen. W. Blackburn*, York, woolstapler.—*Jabez Vines*, Battersea, Surrey, miller.

#### FIATS ANNULLED.

*H. L. Becker* and *John L. Becker*, Manchester, and Red-dish-mills, Lancashire, calico printers.—*John Johnston*, Manchester, banker.

#### SCOTCH SEQUESTRATIONS.

*John Cochran*, Leith, pump maker.—*James Syme*, St. Mark's, place, near Edinburgh, gardener.—*Robert Wyllie*, Auchinleck, Ayrshire, gun maker.—*Hugh M'Phedran*, Renton, Dumbarton, carter.—*Jas. M'Vicar*, Inverkeithing, brick manufacturer.

#### DECLARATIONS OF INSOLVENCY.

*Archib. Dunlop*, Chorlton-upon-Medlock, Manchester, wine and spirit merchant.

*Enoch L. Child*, St. Stephen, Norwich, licensed victualler.

*Thomas Blade*, Eaton, Norwich, pork butcher.

*Charles Hewit Welch*, Ashborne, Derbyshire, attorney at law.  
*Frederick Charles Taylor*, St. Peters of Mancroft, Norwich, attorney at law.

*John Dent*, Dobson-terrace, New-st., St. Mary, Kennington, out of business.

*Edward Nicholson* jun., Fareham, Southampton, organist.

*John Benton*, Plaistow, West Ham, Essex, out of business.

*Alexander Martin*, St. Mary, Southampton, painter.

*Samuel Popplewell*, Batley, Yorkshire, dealer in shoddy.

*Jas. Crompton*, Plantation, Acomb, Yorkshire, farming man.

*Elisha Hide*, Sheffield, Yorkshire, shopkeeper.

*Oliver H. Toulmin*, Newington-place, Kennington, professor of music.

*George Frederick Ryan*, Hilderthorp, Bridlington, Yorkshire, minister.

*Frederick William Hovey*, Butcher-row, St. Paul, Deptford, Kent, licensed victualler.

*John Clayton*, Goole, Yorkshire, butcher.

*John Williams*, St. Michael, Coventry, ribbon manufacturer.

*Thomas Pemberton*, Oswestry, Shropshire, licensed victualler.

*John Thompson*, Chatham, Kent, shopman to a grocer.

*Thomas Fisher*, Enfield, Middlesex, grocer.

*Michael Robinson*, Horton, Bradford, Yorkshire, joiner.

*John Smith*, Lichfield, saddler.

*John Moore*, Fearncliffe, Bingley, Yorkshire, stone mason.

*John Dillon*, Mirfield, Yorkshire, bookkeeper.

*Thomas Hickman*, St. Mary, Nottingham, market gardener.

*Jane Senior*, widow, Thornhill Lees, Thornhill, Yorkshire, beer seller.

*Thomas R. Hawker*, Bell-yard, Fleet-street, tailor.

#### INSOLVENT DEBTORS.

*Saturday, Aug. 5.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Daniel Bedborough*, Spa-road, Bermondsey, Surrey, butcher, No. 41,951 T.; *Wm. Wickham*, sole assignee, Richard Bright, removed.—*Robt. Mould*, South Shields, Durham, ship owner, No. 61,418 C.; *Robert Murdock*, assignee.—*Richard Sumner*, Tarleton, near Preston, Lancashire, cordwainer, No. 69,733 C.; *Ralph Milner*, assignee.—*Wm. Prosser*, Aberavenny, Monmouthshire, beer retailer, No. 63,074 C.; *John Hodgetts*, assignee.—*John Culehaw*, Burscough, near Ormskirk, Lancashire, butcher, No. 62,484 C.; *Matthias Edge*, assignee.—*George Oldland*, Wotton-under-Edge, Gloucestershire, cloth worker, No. 62,707 C.; *Thomas Powell*, assignee.—*Philip Buxton Etheredge*, Thorpe, near Norwich, Norfolk, shawl manufacturer, No. 62,789 C.; *John Bateman*, assignee.—*Robert Minister*, Lingwood, near Norwich, Norfolk, carpenter, No. 62,831 C.; *Robert Steward*, assignee.—*Francis Johnston*, Newcastle-upon-Tyne, carpenter, No. 63,135 C.; *Joseph Graham*, assignee.—*Thomas Collins*, sen., Alding-bourn, near Chichester, Sussex, farmer, No. 63,171 C.; *John Sherwood*, assignee.—*William W. Bevens*, Newcastle-upon-Tyne, waterman, No. 63,073 C.; *Wm. Rennison*, assignee.—



**Edmund Smith**, Hulme, Manchester, surveyor, No. 62,174 C.; **George Sutcliffe** and **John Worsley**, assignees.—**Isaac Houghton**, Widnes, near Prescott, Lancashire, farmer, No. 62,724 C.; **Edward Patten**, assignee.—**William F. Wadson**, Cheltenham, Gloucestershire, confectioner, No. 40,911 C.; **Henry Sotherton**, assignee.—**James Markland**, Walton-le-Dale, victualler, No. 62,711 C.; **Richard Threlfall**, jun., assignee.—**Daniel Arthur**, Stow-on-the-Wold, Gloucestershire, labourer, No. 62,749 C.; **John Berry**, assignee.—**O. Hambrook**, jun., Broadstairs, Kent, chemist, No. 63,062 C.; **J. L. Barclay** and **Wm. A. Baise**, assignees.—**Wm. Langford**, Birmingham, out of business, No. 58,429 C.; **John Archer**, assignee.—**Joseph Robinson**, Liverpool, joiner, No. 58,871 C.; **Richard Ellison**, assignee.—**John Mearning**, Great Portland-place, Marylebone, upholsterer, No. 55,412 T.; **Godfrey Thurgood**, assignee.—**Daniel Cooper**, Drinkstone, Suffolk, farmer, No. 55,075 T.; **Wm. Robert Hewitt** and **T. Clarke**, assignees.—**J. Dean**, Friar-street, Southwark, Surrey, baker, No. 40,096 T.; **Thos. Napier**, assignee.

#### MARRIAGE.

**John Gaskell**, St. Helen's, Lancashire, corn dealer, Sept. 11 at 10, Ward's, Prescott, sp. aff.

### FRIDAY, AUGUST 11.

#### BANKRUPTCY.

**JOSEPH MARRIAGE**, jun., Moulsham, Chelmsford, Essex, miller and coal merchant, Aug. 21 at half-past 1, and Sep. 29 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Bigg, Southampton-buildings.—Fiat dated Aug. 7.

**CHRISTOPHER JOHNSON SPENCER**, Carlisle, Cumberland, upholder, Aug. 25 and Sep. 29 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Brown & Co., Commercial Sale-rooms, Mincing-lane.—Fiat dated Aug. 2.

**WILLIAM HUMPHREYS**, Brighton, Sussex, wine merchant, Aug. 23 at 12, and Sep. 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Freeman, 39, Coleman-street, London.—Fiat dated Aug. 1.

**ALFRED HARRIS**, Chichester, Sussex, hotel keeper and coach proprietor, Aug. 18 and Sep. 21, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Sherwood, Chichester; Staniland & Long, Bouverie-street, London.—Fiat dated Aug. 8.

**WILLIAM BARKER APPLEBY**, Boston, Lincolnshire, coach painter, Aug. 18 and Sep. 26 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Hodgson, Birmingham.—Fiat dated July 27.

**GEORGE BURTON**, Ashton-under-Lyne, Lancashire, brick maker, Aug. 22 and Sep. 22 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Earle, Manchester; Fox, 40, Finsbury-circus.—Fiat dated July 26.

**JOHN BROADHEAD**, Stubbin, Austonley, Almondbury, Yorkshire, woollen cloth manufacturer, Aug. 21 and Sep. 12 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Stephenson & Co., Huddersfield, Yorkshire; Floyd & Booth, Holmfirth, Yorkshire; Naylor, Leeds; Sedlow & Co., 20, Chancery-lane, London.—Fiat dated Aug. 7.

**HANNAH MARIA NEWTON**, New-mill, Foolstone, Kirkburton, Yorkshire, victualler, Aug. 21 and Sep. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sol. Iveson, Holmfirth.—Fiat dated Aug. 7.

**BISLOP WARNER, EDWARD MARSACK, THOMAS MANNING**, and **JAMES MANNING**, Liverpool, brandy and spirit dealers, Aug. 31 at half-past 12, and Sept. 11 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Archer, Liverpool; Armstrong, Staple-inn.—Fiat dated July 29.

**ROBERT WATSON**, York, silk mercer, Aug. 21 and Sept. 8 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Holby, York; Bond, Leeds.—Fiat dated July 28.

#### MEETINGS.

**George Butler**, Witham, Essex, builder, Aug. 30 at 12, Court of Bankruptcy, London, pr. d.—**Abraham Harris**, Ship's-buildings, Tower-hill, shop seller, Aug. 21 at 1, Court of Bankruptcy, London, ch. ass.—**John Brown**, Liverpool, broker, Aug. 31 at 12, District Court of Bankruptcy, Liver-

pool, last ex.—**Hugh Bullen**, Liverpool, brewer, Sept. 5 at 12, District Court of Bankruptcy, Liverpool, and. ac.—**Isaac Bell**, Newcastle-upon-Tyne, earthenware manufacturer, and **John Davison**, Marton, farmer, and Middlesbrough, Yorkshire, earthenware manufacturer, Sept. 4 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac. sep. est. of **J. Davison**.—**Ed. Cragg**, Kendal, Westmorland, innkeeper, Sept. 4 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Sept. 5 at 11, fin. div.—**Robert Smith**, sen., Lower Thames-st., London, wharfinger, Sept. 4 at half-past 11, Court of Bankruptcy, London, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

**Robert Bull**, Cambridge, saddler, Sept. 4 at half-past 12, Court of Bankruptcy, London.—**George Chapman**, Aylesbury, Buckinghamshire, grocer, Sept. 4 at 12, Court of Bankruptcy, London.—**Wm. J. Brown**, Great Winchester-street, London, silk man, Sept. 15 at half-past 1, Court of Bankruptcy, London.—**Edw. Cragg**, Kendal, Westmorland, innkeeper, Sept. 4 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Wm. Howarth** and **Wm. Williams**, Manchester, drysalters, Sept. 23 at 12, District Court of Bankruptcy, Manchester.—**John Whitaker**, Newchurch, Forest of Rossendale, Lancashire, woollen printer, Sept. 22 at 1, District Court of Bankruptcy, Manchester.—**Rich. Gregson**, Liverpool, tailor, Sept. 5 at 11, District Court of Bankruptcy, Liverpool.—**Wm. Woodward**, Birmingham, tailor, Sept. 2 at 11, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 1.*

**Hen. Lewis**, Haverfordwest, cabinet maker.—**Wm. Harrington** jun., High-st., Aldgate, London, linen draper.—**Wm. Musgrave**, Leeds, Yorkshire, dyer.—**John Burton**, Sheffield, Yorkshire, butcher.—**Jos. Parry**, Haverfordwest, draper.—**Jos. R. Atkinson**, Caistor, Lincolnshire, wine merchant.—**Henry Thos. Harrison**, Tavistock-row, Covent-garden, hotel keeper.—**Thos. M'Conkey** and **Adam Howie**, Lambeg, Down, bleachers.—**Thos. Dixon**, Thirsk, Yorkshire, linen draper.

#### PARTNERSHIP DISSOLVED.

**John Muskett** and **Fred. Cross**, Diss, Norfolk, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

**Matt. Hutchison**, Leith, fisher.—**And. Willison**, Dundee, writer.

#### DECLARATIONS OF INSOLVENCY.

**John Rogers**, King's Norton, Worcestershire, brewer.  
**Richard Goodrich**, Stroud, Gloucestershire, out of business.  
**Mary A. Leaker**, widow, Moreton-house, Thornbury, Gloucestershire, schoolmistress.  
**James Jaques**, Birmingham, copper and tin burnisher.  
**Miles Bates**, Bradford, Yorkshire, wool-comb maker.  
**John Fletcher**, Manchester, salesman to a porter dealer.  
**William Loop**, Brighton, Sussex, out of business.  
**Samuel Vale**, Benjamin-street, Cow-cross, West Smithfield, carpenter.

**James Tayres**, Manchester, joiner.  
**George Adds**, Park-lane, Chelsea, foreman to a builder.  
**Wm. Balding**, jun., Winkfield, Berkshire, farmer.  
**George Gibbs**, Ingestre, Staffordshire, farming bailiff.  
**Wm. Thomas**, Newport, Monmouthshire, victualler.  
**Saml. Mason**, Kidderminster, Worcestershire, hair dresser.  
**Wm. C. Jennings**, Bedminster, Bristol, clerk to the Great Western Railway Company.  
**Wm. Harding**, Wellington-place, Holloway, Islington, baker.  
**Thomas Poole**, Dorrington-street, Mount-pleasant, Islington, musical instrument maker.

#### INSOLVENT DEBTORS' DIVIDENDS.

**Bartholomew Beinbridge**, Northallerton, Yorkshire, grocer; 6s. 7d. in the pound.—**W. B. Weekes**, Stokes-bay, near Gosport, Hampshire, half-pay lieutenant in the royal navy; 3s. 8½d. in the pound.—**John Newman**, Hillingdon, near Uxbridge, saddler; 17s. 8d. in the pound (making 20s. in the pound).—**John Patchet**, Ashton-under-Lyne, Lancashire, joiner; 7s. 1d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

**John Bird**, clerk in the War Office, (in 1853), at Virgo's, 34, Essex-street, Strand; 7½d. in the pound.—**John Westma-**

cott, Halberton, Devonshire, farmer, Aug. 10, Townsend's, Upton Pyne, Devonshire; 4s. 8½d. in the pound.—*John Etheridge*, Bear-green, Capel, near Dorking, Surrey, carpenter, Aug. 10, Humphrey's, Newdigate, Surrey; 20s. in the pound.

#### MEETING.

*Pierce Long*, High-street, Deptford, attorney at law, Aug. 28 at 12, at Watson's, 4, Trafalgar-square, Charing-cross, sp. aff.

**LAW.**—A Gentleman whose Articles have just expired, is desirous of a Seat in an Office of respectability for the next few months, until he can pass his Examination. Only a moderate remuneration will be expected. Address, L. D., Messrs. Dunn & Duncan, No. 9, Fleet-street.

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# The Jurist

No. 345.

LONDON, AUGUST 19, 1843.

PRICE 1s.

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LONDON, AUGUST 19, 1843.

There is really not much matter for wonder that the laity should give vent to sarcasms on the uncertainty of the law, when scarcely a number of reports of the proceedings of any court makes its appearance, without producing for the bewilderment of the Profession some solemn decision, in more or less direct conflict with some other equally solemn decision, or some maxim supposed to be settled.

In the 4th vol. of Beavan's Reports, p. 269, is reported the case of *Page v. Adam*\*, in which it was held by Lord Langdale, where lands were devised charged with debts, legacies, and annuities, and the devisee sold, and before the time of the completion of the sale the debts were all paid, and the purchaser had notice of that fact,—that nevertheless the vendor could make a good title without the concurrence of the annuitants; in effect, therefore, that the implied trust for sale for payment of debts subsisted, and constituted sufficient title, although the sale was no longer necessary for payment of debts, and although the purchaser had notice that it was unnecessary for that purpose.

In a still more recent case, (*Forbes v. Peacock*, reported ante, p. 688), the same question arose in a different form. The point was, whether, under a will charging debts on real estate, the executor selling twenty-nine years after the testator's death, and refusing to answer an inquiry of the purchaser whether there were any debts remaining unpaid, could make a good title without the concurrence of the cestuis que trust to give receipts for the purchase-money. And his Honor the Vice-Chancellor of England held, that the pur-

chaser having inquired and received no answer, would be affected with notice, if there turned out to be no debts remaining; and that, assuming that to be so, so that the purchaser would have notice that there were no debts rendering the sale necessary, the executor alone could not make a title.

We are therefore now, on a point of continual occurrence in the transfer of real property, in this pleasant position, that we have two perfectly recent decisions of two equally eminent Judges, in direct opposition to each other. And that we may remain for many years in that pleasing uncertainty seems extremely probable, if we keep in mind the general reluctance of Judges to cut the Gordian knot in any doubtful cases, and the astuteness with which they will distinguish, and distinguish, and distinguish, to avoid, if possible, laying down any positive rule, when the circumstances of the case do not actually and irresistibly force them to do so.

In practice, the difficulties arising from the conflict between *Page v. Adams* and *Forbes v. Peacock*, will probably not be so great as at first sight they might appear. At least they will be avoidable by the exercise of due caution, wherever the whole conduct of a negotiation for the purchase of an estate from executors or trustees to pay debts, is managed step by step by skilful hands. For we may gather from the Vice-Chancellor's observation in *Forbes v. Peacock*, that he does not mean to carry the rule any further than, according to his view, it went before. He does not say, that, if there be a charge of debts, the purchaser is bound, even after such a lapse of time as in the case before him, to inquire whether there are debts unpaid, or that, in the absence of any inquiry, it is to be presumed that the debts are paid; but only that if the purchaser does ask and gets no answer, he is then entitled and bound to presume that the debts are paid; and that, on the presumption of that fact, the executor cannot make a title. "If there be," said his Honor, "a general charge for payment of debts, and

\* Our readers may be misled by the form of the reference to *Page v. Adam* (ante, p. 688) into the supposition that that case is reported in the 6th vol. of THE JURIST. The case intended to be referred to, as printed in that volume, p. 476, is *Forbes v. Peacock*.

the purchaser makes no inquiry, the court must protect him. But here the purchaser asks the executor whether there are any debts unpaid, and he refuses to answer the question. If after that it were to turn out as a fact that, at the time of the contract being completed, there were no debts, I should hold this purchaser as having notice that there were no debts, and the purchaser would take upon himself the whole risk of the purchase-money being properly applied." It is only therefore where the purchaser has actual notice, or, by reason of imprudent inquiries has constructive notice, that the doctrine of *Forbes v. Peacock* applies; and, therefore, whether Lord Langdale or the Vice-Chancellor be right, it is plain, that, if the purchasers in cases of this class will only abstain from asking foolish questions, and the vendor will only be wise enough to keep his own counsel and not to give more information than he is asked for; the parties may steer clear between the two conflicting decisions.

If the question were not, as it is, one almost entirely depending on authority, it might be easy to suggest fair grounds of legal reasoning in favour of either of the decisions to which we have referred. In support of the view of his Honor the Vice-Chancellor, it may be observed, that there is something palpably absurd in assuming that a power which, whether by specific words or by implication, is created or arises only for a particular purpose, can exist when that purpose has been fulfilled. How can a power to sell for payment of debts, and for no other purpose, still subsist when there are no debts to pay? A power to sell for payment of debts is, in fact, no more than a power to arise on a contingency; a power to sell if and while there are debts; and it might be as well said, that a power to sell if A. shall go to Rome, and while he shall remain there, would exist after A. should have left Rome, as that a power to sell for payment of debts can take effect when there remain no debts to pay; or, to quote the words of his Honor, "If the debts are to be taken to be paid, or there be a strong presumption of payment, would it not follow that the power to sell could not be dealt with for the purpose of paying debts, but for the purpose of division only among the persons interested in the residue."

On the other hand, may it not be said, that the power to sell is to arise on there being debts to pay; and that, if there are debts at the death of the testator, and the power therefore then arises, the question, whether there is at any subsequent time any necessity for the exercise of the power, may be one fitting to be entertained, as between the donee of the power, and the parties entitled to the purchase-money, but does not affect the existence of the power. For instance, we apprehend it to be quite clear, that, if there are still debts to pay, the executor or trustee could make a good title, although there might be an ample fund for paying the debts without resorting to sale of the real estate, which shews that the necessity of selling for the purpose of paying debts has nothing to do with the valid exercise of the power. If that be so, what difference does it make, that the non-existence of the necessity to sell arises from the debts having been paid, instead of arising from the fact, that they can be paid aliunde?

What were the precise grounds of reasoning on which

the Master of the Rolls arrived at his decision in *Page v. Adam*, we are in some measure left to conjecture, as his Lordship very shortly stated his opinion on this point, applying himself principally to an objection of a totally different nature, viz. that there was something in the charge of annuity legacies differing the case from one of a mere charge of debts and pecuniary legacies. On the point under our present consideration, his Lordship merely said, after stating the general rule, that "He thought there were not in the case any special circumstances to take the case out of the common rule; that the rule as to the exoneration of the purchaser from liability to look to the application of the purchase-money, was stated by Lord Lyndhurst (in *Johnson v. Kennett*, 3 My. & K. 631) to be applicable to the state of things at the time of the testator's death; and that the particular arrangements which might be made by the executor for the payment of the debts, the time when they may be paid, or the fund out of which they may in the first instance be paid, did not appear to him (Lord Langdale) to vary the rule." (See 4 Beav. 283). On the whole, we can only conclude, in this unsatisfactory state of the authorities, in the words of his Honor the Vice-Chancellor, that "the law upon this point must at least be considered to be unsettled."

## Imperial Parliament.

### HOUSE OF LORDS.

Tuesday, Aug. 15.

The Warrant of Attorneys Bill and Mandamus Appeals Bill went through Committee.

### HOUSE OF COMMONS.

Tuesday, Aug. 15.

The Special Sessions Bill passed through Committee. The Apprehension of Offenders Bill (France) and The Apprehension of Offenders Bill (America) were severally read a third time and passed.

## PUBLIC GENERAL STATUTES.

6 & 7 VICTORIA.—SESSION 3.

### CAP. I.

An Act to enable her Majesty to indemnify the Holders of certain forged Exchequer Bills. [3rd March, 1843.]

### CAP. II.

An Act to discontinue certain Actions under the Provisions of an Act of the 2nd Year of King William the Fourth, for regulating the Vend and Delivery of Coals in the Cities of London and Westminster, and in certain Parts of the adjacent Counties. [3rd March, 1843.]

### CAP. III.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters. [3rd April, 1843.]

### CAP. IV.

An Act for the Regulation of her Majesty's Royal Marine Forces while on Shore. [3rd April, 1843.]

### CAP. V.

An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year 1843. [3rd April, 1843.]

### CAP. VI.

An Act to alter the Hours within which certain Oaths and Declarations are to be made and subscribed in the House of Peers. [3rd April, 1843.]

## CAP. VII.

An Act to amend the Law affecting transported Convicts with respect to Pardons and Tickets of Leave.

[3rd April, 1843.]

Sec. 1. Repeal of so much of the recited act as respects pardons and tickets of leave.

2. Manner of granting pardons.

3. Holders of tickets of leave enabled to sue for personal property.

4. Holders of tickets of leave declared incapable of holding real property.

5. Commencement of act.

6. Act may be amended.

## CAP. VIII.

An Act to empower Justices of the Peace in Ireland to act in certain Cases relating to Rates to which they are chargeable.

[3rd April, 1843.]

Sec. 1. Justices of the Peace empowered to act in Cases relating to grand jury and poor-law rates and other rates, although liable to such rates.

2. Former acts of justices not to be declared void.

3. Act may be amended this session.

## CAP. IX.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the 25th Day of March, 1844; and for the Relief of Clerks to Attorneys and Solicitors in certain Cases.

[3rd April, 1843.]

## CAP. X.

An Act for removing Doubts as to the Punishment which may be awarded under the Provisions of an Act of the 4th & 5th Years of her present Majesty, "for taking away the Punishment of Death in certain Cases," for certain Offences therein specified.

[11th April, 1843.]

Wherein and by an act passed in the 4 & 5 Vict. [c. 56], intitled "An Act for taking away the Punishment of Death in certain Cases, and substituting other Punishments in lieu thereof" it was amongst other things enacted, that whereas by an act passed in the 7 & 8 Geo. 4, [c. 30], intitled "An Act for consolidating and amending the Laws relating to malicious Injuries to Property," it was amongst other things enacted, that if any persons riotously and tumultuously assembled together to the disturbance of the public peace should unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any church or chapel, or any chapel for the religious worship of persons dissenting from the united church of England and Ireland, duly registered or recorded, or any house, stable, coachhouse, outhouse, warehouse, office, shop, mill, malthouse, hop-oust, barn, granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture, or in any branch thereof, or any steam-engine or other engine for sinking, draining, or working any mine, or any shaft, building, or erection used in conducting the business of any mine, or any bridge, waggon-way, or trunk for conveying minerals from any mine, every such offender should be deemed guilty of felony, and being convicted thereof should suffer death as a felon; and that in case of every felony punishable under that act every principal in the second degree and every accessory before the fact should be punishable with death or otherwise, in the same manner as the principal in the first degree was by that act punishable: And whereas it was expedient that the said last-mentioned offences should be no longer punishable with death; that from and after the commencement of the said act of the 4 & 5 Vict., if any person should be convicted of any of the offences hereinbefore specified, whether as principal, or as principal in the second degree, or as accessory before the fact, such person should not be subject to any sentence, judgment, or punishment of death, but should, instead of the sentence or judgment in and by the said act hereinbefore recited ordered to be given and awarded against persons convicted of the above-mentioned offences or any of them respectively, be liable, at the discretion of the court, to be transported beyond the seas for any term not less than seven years, or to be imprisoned for any time not exceeding three years; And whereas doubts have arisen whether such offenders are

liable, under the provisions of the said act of the 4 & 5 Vict. hereinbefore recited, to be transported beyond the seas for the term of their natural lives: And whereas it is expedient to put an end to such doubts; Be it therefore enacted &c., That from and after the passing of this act, if any person shall be convicted of any of the offences hereinbefore in the said act first above recited specified, such person shall be liable, at the discretion of the court, to be transported beyond the seas for the term of the natural life of such person, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any time not exceeding three years.

## CAP. XI.

An Act to indemnify Witnesses who may give Evidence before the Lords Spiritual and Temporal on a Bill to exclude the Borough of Sudbury from sending Burgesses to serve in Parliament.

[11th April, 1843.]

## CAP. XII.

An Act for the more convenient holding of Coroners' Inquests.

[11th April, 1843.]

Sec. 1. Coroner only within whose jurisdiction the Body is lying dead shall hold the inquest,

2. Provision for detached parts of counties.

3. Parties may be tried on verdicts of murder or manslaughter.

4. Deodands may be levied on verdicts.

5. Act may be amended, &c.

## CAP. XIII.

An Act to enable her Majesty to provide for the Government of her Settlements on the Coast of Africa and in the Falkland Islands.

[11th April, 1843.]

## CAP. XIV.

An Act for carrying into effect a Treaty between her Majesty and the Republic of Bolivia, for the Abolition of the Slave Trade.

[11th April, 1843.]

## CAP. XV.

An Act for carrying into effect the Treaty between her Majesty and the Republic of Texas for the Suppression of the African Slave Trade.

[11th April, 1843.]

## CAP. XVI.

An Act for carrying into effect the Treaty between her Majesty and the Oriental Republic of the Uruguay for the Abolition of the Slave Trade.

[11th April, 1843.]

## CAP. XVII.

An Act for raising the Sum of Nine Millions and Fifty Thousand Pounds by Exchequer Bills, for the Service of the Year 1843.

[9th May, 1843.]

## CAP. XVIII.

An Act to amend the Law for the Registration of Persons entitled to vote, and to define certain Rights of Voting, and to regulate certain Proceedings in the Election of Members to serve in Parliament for England and Wales.

[31st May, 1843.]

Sec. 1. Certain provisions of 2 & 3 Will. 4, c. 45, repealed.

2. Commencement of act, 1st June, 1843.

## Counties.

3. Clerk of the peace to have forms of precepts &c. printed. Clerk of the peace to issue his precepts, with forms of notices &c. to overseers.

4. Overseers to give notice annually, requiring voters to send in their claims.

5. Overseers to prepare lists of claimants. Overseers empowered to object to any name; to add the word "dead" against any name; to publish copies of list of claimants, and of the part of the register of voters relating to their own parish; and to keep copies of same for inspection and sale.

6. List of claimants in any parish, and part of register relating to that parish, to be the list of voters.

7. Any person on the register may object to any other person named in the list as not entitled to be upon it. Notice of objection to be given to the overseers, and also to the party objected to.

8. List of persons objected to to be published.

9. Lists &c. to be delivered to the clerk of the peace.

## Cities and Boroughs.

10. Town clerk to have forms of precepts &c. printed. To issue his precept to the overseers.

11. Overseers to give public notice as to the payment of

rates and taxes by occupiers of premises of the yearly value of 10*l*.

12. Overseers to have power of inspecting tax assessments &c. Assessors or collectors of taxes to deliver to overseers a list of persons in arrear of taxes payable at April last past.

13. Overseers to prepare and publish lists of persons (other than freemen) entitled to vote. Copies of lists to be kept for inspection and sale.

14. Town clerks to prepare and publish the lists of freemen.

15. Persons omitted from the borough lists to give notice of their claims. Lists of claimants to be made.

16. Registered electors and claimants may inspect rate books.

17. Persons named in the list may object to others as not being entitled to be in the list. Notice of objection to be given to the overseers, or to the town clerk; and also to the person objected to.

18. List of persons objected to to be made. Such lists, and the lists of claimants, to be published. Copies of lists and notices of objection to be kept for inspection.

19. Overseers to deliver copies of lists to the town clerk.

20. Freemen and livermen of the city of London.

21. Freeholders in Horsham and Malmesbury entitled to vote for New Shoreham and Cricklade, where to be registered.

22. Provision as to places having no overseers.

#### *Counties, Cities, and Boroughs.*

23. What shall be publication of notice.

24. Time for which publication shall be.

25. Penalty for hindering publication.

26. List not invalidated by imperfect publication.

27. If no list made out or published, former list to be in force.

28. Lord Chief Justice and Judges of Assize to appoint barristers for revising lists.

29. Judges to appoint additional barristers in case of need.

30. Barristers may hold separate courts.

31. Barrister to notify his appointment to clerk of the peace and town clerks, who are to transmit to him abstracts and lists.

32. Barristers to hold courts for revising lists of voters for counties within a certain period, and to give notice of the times and places of holding such courts to clerk of the peace, who is to give notice thereof by advertisement, and to the overseers.

33. Barristers to hold courts for revising the lists of voters for boroughs, and give notice thereof to the town clerk, who is to publish the same.

34. Clerk of the peace to attend the first court, and overseers to attend the courts for their respective districts and parishes, and produce lists of voters, and answer questions.

35. Town clerks, overseers, and in London secondaries and clerks of companies, to attend the courts, to produce lists, and answer questions &c. Power of barrister to require attendance of overseer of past year, and assessor and collector &c. of taxes, who shall answer upon oath all questions put to them.

36. Voters residing out of the polling district to which the parish wherein their qualification is situate belongs, may vote in another polling district, on making a claim before the revising barrister.

37. Barrister to have power to insert in the county lists the names of claimants omitted by the overseer, on proof of claim and qualification.

38. Power of barrister to insert names in lists of borough voters.

39. Any person on list of voters may object to claimants.

40. Corrections which may be made by barrister in the register. No change to be made of the qualification stated in the lists. Mode of proceeding in cases of objection. Provision in certain cases of change of abode.

41. Power of revising barristers to adjourn their courts, administer oath, &c. Persons swearing falsely, guilty of perjury. Barrister in open court to decide upon validity of claims and objections.

42. Appeal from revising barrister's decision on points of law. Revising barrister to prepare a statement of facts. Appellant to make a declaration in writing. Revising barrister to indorse on statement the names of parties, &c.; and deliver a copy to either party requiring it.

43. Who shall be respondent on appeal.

44. Power to consolidate appeals. Overseers or town clerk may be named as respondents.

45. Consolidated appeals to be conducted as any single appeal. Agreement for contribution to costs of consolidated appeal may be made a rule of court. If consolidated appeal not duly prosecuted or answered, the court or a judge may

give conduct of it or of the answer to other persons. If party interested shall refuse to be a party &c.

46. That if in any case it shall appear to any revising barrister holding any court as aforesaid that any person shall under this act have made or attempted to sustain any groundless or frivolous and vexatious claim or objection or title to have any name inserted or retained in any list of voters, it shall be lawful for the said barrister, in his discretion, to make such order as he shall think fit for the payment by such person of the cost or of any part of the costs of any person or persons in resisting such claim or objection or title; and in every such case the said barrister shall make an order in writing, specifying the sum which he shall order to be paid for such costs, and by as to whom and when and where the same sum shall be paid, as shall date and sign the said order, and deliver it to the person or persons to whom the said sum shall therein be ordered to be paid: Provided always, that the said sum so ordered to be paid by way of costs shall not in any case exceed the sum of 20*l*. Provided also, that such order for the payment of costs as aforesaid may be made in any case, notwithstanding any party shall have given notice of his intention to appeal against any decision of the revising barrister in the same case; but in case of such appeal the said order for the payment of costs shall be suspended, and shall abide the event of such appeal, unless the Court of Appeal shall otherwise direct; but no appeal shall be allowed or entertained against or only in respect of any such order for the payment of costs: Provided also, that whenever any revising barrister shall have made any such order for the payment of any sum of money for costs by any person who shall have made any objection as aforesaid, it shall not be lawful for the said barrister to hear or admit proof of any other objection or notice of objection made or signed by the same person until the sum of money so ordered to be paid by him for costs be paid to the person entitled to receive the same, or deposited in the hands of the said barrister in court, for the use of the person so entitled.

47. County lists to be transmitted to clerk of the peace, and to be by him copied into a book. Clerk of the peace to sign and deliver a copy to the sheriff.

48. Borough lists to be delivered to the town clerks, and copied into a book. Town clerks to sign and deliver same to returning officers.

49. Books to be the register of voters for one year. Copies of registers to be printed for sale.

50. Assessors and other officers neglecting to attend when summoned by revising barrister, liable to be fined.

51. Power to barristers to fine overseers for neglect of duty.

52. Fines, to whom payable, and to what purpose to be applied.

53. Clerk of the peace and town clerk to account for and pay over all monies received by them.

54. Expenses of clerks of the peace, how to be defrayed.

55. Expenses of town clerks and returning officers, how to be defrayed.

56. Meaning of the words "town clerk" in certain cases.

57. Expenses of overseers, how to be defrayed.

58. No payment necessary by persons making claim in counties; nor by persons on register in cities and boroughs.

59. Remuneration of revising barristers.

60. Appeals to be heard by the Court of Common Pleas.

61. Barristers to have equal right of practising with serjeants.

62. Notice of appeal to be given by appellant. Appeals to be entered in a book.

63. Court to give notice of the time and place of hearing appeals.

64. No appeal to be entertained unless notice given.

65. No appeal on questions of fact or the admissibility of evidence. Court may remit case to revising barrister to be more fully stated.

66. Decisions of court to be final.

67. Decisions of court to be notified to the sheriff or returning officer, and register to be altered conformably.

68. Copies of decisions on appeals to be admissible in evidence.

69. Appeal pending not to affect right of voting. No decision after election to affect the result of such election.

70. Court of appeal may give costs.

71. Costs and fines to be recovered by distress and sale of the parties' goods. No certiorari allowed.

72. 3 Geo. 3, c. 24, repealed.

73. And whereas by the said first-recited act it is enacted that "Every male person of full age, and not subject to any legal incapacity, who shall occupy as tenant any lands or tenements"

ments for which he shall be bonâ fide liable to a yearly rent of not less than 50*l.*, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county in which such lands or tenements shall be respectively situate." And whereas it is also thereby enacted, that "No person shall be so registered in any year in respect of any lands and tenements held by him as such occupier and tenant as aforesaid unless he shall have been in the actual possession thereof for twelve calendar months next previous to the last day in July in such year;" be it declared and enacted, That the lands and tenements in respect of the occupation of which at a yearly rent of not less than 50*l.* any person shall be so entitled to be registered in any year, and to vote in the election of a knight or knights of the shire as aforesaid, shall not be required to be the same lands and tenements, but may be different lands and tenements rented and occupied as aforesaid in immediate succession by such person during the twelve calendar months next previous to the last day of July in such year; and that where any such lands and tenements shall be jointly rented and occupied by more persons than one, each of such joint occupiers shall be entitled to be registered and vote in such election as last aforesaid in respect of the lands and tenements so jointly rented and occupied, in case the yearly rent for which they shall be bonâ fide liable in respect of such lands and tenements shall be of an amount which, when divided by the number of such occupiers, shall give a bonâ fide rent of not less than 50*l.* for each and every such occupier, but not otherwise.

74. And whereas by the said first-recited act it is enacted, "That no person shall be allowed to have any vote in the election of a knight or knights of the shire, for or by reason of any trust estate or mortgage, unless such trustee or mortgagee be in actual possession or receipt of the rents and profits of the same estate, but that the mortgagor or cestui que trust in possession shall and may vote for the same, notwithstanding such mortgage or trust;" And whereas it is also thereby enacted, "That no person shall be registered in any year in respect of his estate or interest in any lands or tenements as freeholder, copyholder, customary tenant, or tenant in ancient demesne, unless he shall be in actual possession or in receipt of the rents and profits thereof to his own use for six calendar months at least previous to the last day of July in such year;" And whereas doubts have arisen as to the true intent and meaning of the said first-mentioned enactment in certain cases, be it therefore declared and enacted, That no mortgagee of any lands or tenements shall have any vote in the election of a knight or knights of the shire, or in the election of a member or members to serve in any future parliament for any city or borough in which freeholders now have a right to vote, for or by reason of any mortgage estate therein, unless he be in the actual possession or receipt of the rents and profits thereof, but that the mortgagor in actual possession or in receipt of the rents and profits thereof shall and may vote for the same, notwithstanding such mortgage; and that no trustee of any lands or tenements shall in any case have a right to vote in any such election for or by reason of any trust estate therein, but that the cestui que trust in actual possession or in the receipt of the rents and profits thereof, though he may receive the same through the hands of the trustee, shall and may vote for the same, notwithstanding such trust.

75. Right of voting in boroughs by occupier of houses &c. of the annual value of 10*l.* Not to vote unless rated to the poor rate. Inaccurate description in rate not to prevent persons being registered.

76. And whereas doubts have arisen as to the measurement of the distance of seven statute miles in the said first-recited act mentioned and therein prescribed, as to the residence of voters for any city or borough, be it therefore declared and enacted, That the said distance shall be understood to be the distance of seven miles as measured in a straight line on the horizontal plane from the point within any city or borough or place sharing in the election therewith from which such distance is to be measured, according to the directions in that behalf in the said act: Provided always, that in cases where there is now or shall hereafter be a map of any city or borough, and of the country surrounding the same, drawn or published under the authority and direction of the principal officers of her Majesty's Ordnance, such distance may be measured and determined by the said map.

77. Freeholders in New Shoreham, Cricklade, &c., need not be assessed to land tax.

78. When certain rights of voting in boroughs are retained.

79. Register to be conclusive evidence of the voter's retaining the same qualification. Proviso. In cities and boroughs a continued residence required to the time of polling.

80. Clause as to putting questions at the poll repealed.

81. No inquiry at time of election except as to identity of the voter, and whether he has already voted. Oath to be taken if required.

82. No other oath to be taken. No scrutiny to be allowed.

83. Persons personating voters to be guilty of a misdemeanor.

84. Aiders and abettors to be punished as principals.

85. Agents may be appointed by candidates to detect personation at time of polling.

86. Returning officer may order persons charged with personation to be taken into custody. Vote not to be rejected if questions answered in the affirmative.

87. Persons charged with personation to be taken before two justices. Bail to be taken in certain cases.

88. If justices are satisfied that the person charged has been guilty of personation, they are to commit him for trial.

89. If justices are satisfied that the charge is unfounded, they are to order compensation. If party falsely charged accepts compensation, no action to be brought.

90. Sheriffs and returning officers to provide constables.

91. Duty of returning officer where vote has been received, and another party tenders in respect of same qualification.

92. Liverymen of London to poll in the Guildhall.

93. For providing for the safe custody of poll books.

94. Office copies of poll books to be received in evidence in courts.

95. Clerk of the crown to preserve poll books, and deliver office copies if required;

96. And to produce them before election committee, if required.

97. Parties wilfully contravening the act liable to an action for debt.

98. Power to committees on election petitions to decide as to right of voting.

99. Where no returning officer in cities or boroughs, sheriff may act as returning officer.

100. Notice of objection may be sent by the post.

101. Interpretation clause. Meaning of the words county, city or borough, clerk of the peace, town clerk, barrister, returning officer, parish or township, overseers, or overseers of the poor. Provision as to service of notices. Justices, sessions, clerks of the peace, and treasurers of counties. Misnomer not to vitiate. Oath. Singular Plural.

102. Act may be amended, &c.

(To be continued).

## London Gazette.

TUESDAY, AUGUST 15.

### INSOLVENT.

JOSEPH BEDDOE, Blenheim Iron Works, Monmouthshire, victualler, linen draper, and grocer.

### BANKRUPTS.

JOHN WOOLTORTON, Paris-street West, Lambeth, Surrey, furnishing ironmonger, Aug. 25 and Sept. 28 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Thick & Stroughill, 72, Lombard-st.—Fiat dated Aug. 14.

THOMAS FORTUNE, King's-cross, Battle-bridge, cabinet maker, Aug. 23 at 1, and Sept. 29 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Venning & Co., 9, Tokenhouse-yard, Lothbury.—Fiat dated Aug. 12.

JAMES JOHNSON, Little Abingdon, Cambridgeshire, builder, Aug. 28 at 12, and Sept. 19 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Ravenscroft, Guildford-street.—Fiat dated Aug. 11.

DUDLEY HART, Cambridge, perfumer and hair dresser, Aug. 29 at 1, and Sept. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. King, Cambridge; Baddeley, Leman-street.—Fiat dated Aug. 10.

GEORGE JAMES MARSHALL, Wood-street, Cheapside, and Charles-place, Hertford-road, Kingland-road, and WILLIAM CHARLES HALL, Wood-street, Cheapside, and Islington, woollen warehousemen, Aug. 24 at 11, and Sept. 23 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Lofthouse & Nelson, Leeds; Fildes, 3, Paper-buildings, Temple.—Fiat dated Aug. 7.



**JOHN FLEMELL ARMSTRONG**, Tranquil-vale, Blackheath, Lewisham, Kent, and Staffordshire-wharf, Greenwich-road, Greenwich, china and glass dealer, and coal merchant, Aug. 29 at 2, and Sept. 28 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Weymouth & Green, 17, Cateaton-street, London.—Fiat dated Aug. 14.

**ROBERT THOMAS FLETCHER**, Brentford, Middlesex, money scrivener, Aug. 23 at 12, and Sept. 26 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Hume & Co., Lincoln's-inn-fields.—Fiat dated Aug. 10.

**HENRY COTMAN**, Norwich, draper, Aug. 29 at 2, and Sept. 26 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Reed & Shaw, Friday-street.—Fiat dated Aug. 7.

**ISAIAH HUGHES**, Chelmsford, Essex, shoemaker, Aug. 29 at half-past 1, and Sept. 26 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Bevan, Old Jewry.—Fiat dated Aug. 2.

**HANNAH MARIA NEWTON**, New-mill, Foolstone, Kirkburton, Yorkshire, victualler, Aug. 21 and Sept. 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Harle, Leeds; Iveson, Holmfirth.—Fiat dated Aug. 7.

**JOHN GRAHAM**, jun., Newcastle-upon-Tyne, spirit merchant, Aug. 25 at 11, and Oct. 5 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Cram, Newcastle-upon-Tyne; Plumptre, 4, Lamb-buildings, Temple, London.—Fiat dated Aug. 4.

**THOMAS COOKE**, Leicester, glove manufacturer, Aug. 29 and Sept. 26 at half-past 10, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Stone & Paget, Leicester.—Fiat dated Aug. 9.

**ROBERT WATSON**, York, silk mercer, Aug. 21 and Sept. 14 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Holtby, York; Bond, Leeds.—Fiat dated July 28.

**WILLIAM WHITEFIELD**, Bridgewater, Somersetshire, grocer, Aug. 23 at 12, and Sept. 21 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Robins & Hobbs, Wells; Laidman, Exeter; Whitaker, Gray's-inn.—Fiat dated Aug. 3.

**JOHN HARBOTTLE**, Amble, Northumberland, grocer and draper, Aug. 25 at 12, and Sept. 27 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Kennir, Gateshead; Bell & Co., Bow Church-yard.—Fiat dated Aug. 2.

**HENRY BUGGELN**, Prestatyn, Flintshire, alkali manufacturer, Aug. 28 at 11, and Sept. 21 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Cornthwaite, Liverpool; Cornthwaite & Adams, Dean's-court, Doctors'-commons.—Fiat dated Aug. 9.

**SAMUEL BARKER**, Wrockwardine, Shropshire, mercer and draper and grocer, Sept. 5 and Oct. 3 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Buckle, Salop.—Fiat dated Aug. 11.

**THOMAS HUMBLE**, Ardwick, Manchester, grocer and shopkeeper, Aug. 30 at 12, and Sept. 25 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Hitchcock & Co., Manchester; Johnson & Co., Temple.—Fiat dated Aug. 10.

## MEETINGS.

*John Dewe and Rich. Dewe*, Oxford, booksellers, Aug. 25 at 11, Court of Bankruptcy, London, last ex.; Sept. 7, aud. ac.—*Thos. P. Chalk*, Linton, Cambridgeshire, draper, Aug. 23 at 1, Court of Bankruptcy, London, last ex.—*Chas. States*, Southampton, hotel keeper, Sept. 7 at 11, Court of Bankruptcy, London, aud. ac.—*Sam. M. Long*, North-lodge-farm, Enfield, lime burner, Sept. 7 at 11, Court of Bankruptcy, London, div.—*James C. Crepin*, Eastcheap, shipping agent, Sept. 5 at half-past 11, Court of Bankruptcy, London, div.—*Wm. W. Harvey sen.* and *Wm. W. Harvey jun.*, Sept. 7 at 11, District Court of Bankruptcy, Leeds, first and fin. div.

## CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Jas. P. Davis*, Bromley, Kent, innkeeper, Sept. 5 at 12, Court of Bankruptcy, London.—*Geo. Gandell* and *James B. Higgs*, Charlotte-row, Mansion-house, bill brokers, Sept. 8 at 2, Court of Bankruptcy, London.—*Thos. Shenton*, Leicester, slater, Sept. 9 at half-past 1, District Court of Bankruptcy, Birmingham.—*Thos. Baldwin*, Whistones, Claines, Worces-

tershire, innkeeper, Sept. 12 at half-past 11, District Court of Bankruptcy, Birmingham.—*Wm. Boulton jun.* and *Wm. F. Palmer*, Stafford, builders, Sept. 12 at 1, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 5.*

*James Sturtard* and *Thomas Sturtard*, Manchester, and Clitheroes, Lancashire, cotton manufacturers.—*George Reek*, Berdwell, Suffolk, miller.—*Jacob B. Cooper*, Harleston, Suffolk, hay merchant.—*Ed. Perkins*, Bridport-place, Horton, coal dealer.—*John Pratt*, Adelaide-street, Strand, surgeon.—*Wm. D. Townsend*, Little Russell-street, Covent-garden, pawnbroker.—*Robert Johnson Sharp*, Liverpool, victualler.—*Wm. Jones*, Llanrwst, Denbighshire, druggist.—*John Overington*, Arundel, Sussex, plumber.—*David Ellis, jun.*, Haverhill, Suffolk, draper.—*John B. Beucher*, Birmingham, steel dealer.—*Wm. I. Law*, Manchester, chemist and druggist.—*J. G. Pallister* and *Jas. M. B. Newrick*, Sunderland, Durham, grocers.—*John Clarke*, Market Harborough, Leicestershire, and Rope Maker-street, London, carpet manufacturer.—*Geo. Clarke*, Market Harborough, Leicestershire, and Rope Maker-street, London, carpet manufacturer.

## FIAT ANNULLED.

*Isaac Smallcombe*, Bradford, Wiltshire, coal dealer.

## SCOTCH SEQUESTRATION.

*J. and H. Smith*, Glasgow, merchants.

## DECLARATIONS OF INSOLVENCY.

*Thomas Dever*, Littleworth, Shotover and Wheatley, Oxfordshire, woodman.

*Thomas Stephens*, Farmer's Arms, Cenol, Cwmaber, Brecknockshire, publican.

*Wm. Stephens*, Heston, Cornwall, victualler.

*Wm. Sagar*, Lane, Huddersfield, Yorkshire, coal merchant.

*Thos. Coorgill*, Huddersfield, Yorkshire, butcher.

*Geo. Webb*, Horsley, East Herts, Surrey, tailor.

*John Knowlson*, Easingwold, Yorkshire, out of business.

*Joseph Lees*, Manchester, flour dealer.

*William Henry Burbridge*, Cheddington, Buckinghamshire, out of business.

*John Harwood*, Common, Caerlon, Llanguattock, Monmouthshire, mariner.

*Thomas Denman*, King-st., Cloth-fair, London, butcher.

*Henry Gould*, Manchester, cigar merchant.

*Jas. M. Tusher*, Huddersfield, Yorkshire, porter merchant.

*Fredk. B. Williams*, Spencer-place, Brixton-road, Lambeth, Surrey, clerk to a mining company.

*Wm. T. Brook*, Wakefield, Yorkshire, bookkeeper.

*George Canning Hason*, Liverpool, assistant chemist.

*Charles Gibbs*, Bishop's Lydeard, Somersetshire, attorney.

*Dan. White*, Watlington, Norfolk, toll collector.

*John White*, Downham-market, Norfolk, toll collector.

*Thos. Young*, East-end, Kilgay, Norfolk, farmer.

*Joseph Burgess*, Capesthorpe, Prestbury, Cheshire, boot and shoe maker.

*John Groese*, Upper Marylebone-street, and Tyler's-court, Carnaby-street, oilman.

*John Scotter*, Market-place, St. Peter of Mancroft, Norwich, hair dresser.

*Francis Michael Chailou*, Clifton, Bristol, professor of the French language.

*John R. Robinson*, Wells-row, Islington, saddler.

*Thomas Petty*, Grove-road, near the Mile-end-road, Bethnal-green, cider and beer seller.

*John Lake*, Norwich, out of business.

## INSOLVENT DEBTORS.

Saturday, Aug. 5.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Chas. Cartwright*, Heaton Norris, Lancashire, paper manufacturer, No. 62,687 C.; *John Spencer*, assignee.—*R. Whitel*, Cambridge, tailor, No. 63,053 C.; *John Bonnett*, assignee.—*Benj. Hardwick*, Leeds, Yorkshire, wood leader, No. 61,800 C.; *John Simpson*, assignee.—*Wm. Walker*, Cheap-side, stone mason, No. 62,738 C.; *John Rhodes*, assignee.—*Jas. Wm. Chadwick*, jun., Yanley, Long Ashton, Somersetshire, attorney, No. 63,319 C.; *John Peters*, assignee.—*P. Gerrish*, Cambridge, horse dealer, No. 63,293 C.; *Samuel Kearsey*, assignee.—*Jas. Poole*, Kingsdown, Bristol, merchant,

No. 62,678 C.; John Worth and Zachariah Coombe Cartwright, assignees.—*Rich. Geo. Whalley*, Cheltenham, Gloucestershire, attorney, No. 63,144 C.; Robert Heane, assignee.—*J. Newton*, Manchester, Lancashire, plasterer, No. 62,704 C.; Elijah Pinkess, assignee.—*Edmund Milne*, Bradley Butworth, near Rochdale, Lancashire, farm labourer, No. 62,740 C.; Charles Turner Rhodes, assignee.—*J. Holloway*, Cumberland-row, Kennington-lane, Kennington, Surrey, out of business, No. 55,451 T.; John William Rope, assignee.—*Richard Lambert*, Preston, Lancashire, retail dealer in ale, No. 62,783 C.; Henry Hunt, assignee.—*John Hall*, Green-gate, Salford, Manchester, Lancashire, commission agent, No. 62,732 C.; Stephen Neale, assignee.—*Philip Leacy*, jun., Cheltenham, Gloucestershire, tailor, No. 68,028 C.; Henry Heyden, assignee.—*John Longrigg*, Chesapeake, Lancashire, tea dealer, No. 63,197 C.; Henry Winch, assignee.—*Richard Ralph Chandler*, Minchinhampton, Gloucestershire, druggist, No. 63,291 C.; George Richards assignee.—*Jonas Charlesworth*, Bolton-le-Moor, Lancashire, Marseilles quilt manufacturer, No. 62,835 C.; John Butler, assignee.—*John Schofield* jun., Pendleton, near Clitheroe, Lancashire, farmer's servant, No. 63,204 C.; Leonard Wilkinson, assignee.—*Rob. Woods*, Soham, Cambridgeshire, farrier, No. 63,058 C.; Shadrach Newton, assignee.—*Bishop Hull*, Bristol, travelling bookseller, No. 63,333 C.; William Morgan, assignee.—*Jas. Ridewood*, Bath, Somersetshire, mason, No. 63,336 C.; James Jones, assignee.—*Thos. Newth*, Tunley Dunkerton, Bath, Somersetshire, carter, No. 63,344 C.; Joseph Orchard, assignee.—*W. Cubbin*, Liverpool, Lancashire, boarding-house keeper, No. 62,492 C.; William Jones, assignee.—*Jas. Heckford*, Did-dington-place, Chalk-road, Pentonville, Middlesex, clerk, No. 62,896 C.; Robert Osborn, assignee.—*Daniel Bedford*, Spa-road, Bermondsey, Surrey, butcher, No. 41,951 T.; Wm. Wickham, sole assignee, in the room of Rich. Bright, removed.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Tudor Tucker*, Cox's, Hatton-garden, retired captain of royal marines: 4s. 4d. in the pound, (in addition to two former dividends of 4s. 4d. each).—*John Davison*, Hughendon Buckinghamshire, lieutenant on half-pay, Aug. 21, Selby's, Wands-worth-road: 1s. 5d. in the pound.

#### MEETING.

*John Culehaw*, Rufford, near Ormskirk, Lancashire, farmer, Sep. 14 at 10, Edge's, Ormskirk, Lancashire, sp. aff.

#### FRIDAY, AUGUST 18.

##### BANKRUPTS.

**GEORGE WALTER**, Oundle, Northamptonshire, grocer, Aug. 28 at half-past 2, and Sept. 29 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Dunning & Stawman, Leeds; Smithson & Mitton, Southampton-buildings.—Fiat dated Aug. 11.

**THOMAS MEGAREY**, Love-lane, Billingsgate, London, coal merchant, Aug. 26 at half-past 11, and Sept. 28 at 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Newton & Evans, Wardrobe-place, Doctors'-commons.—Fiat dated Aug. 17.

**WILLIAM VANN**, Old-street, St. Luke's, upholsterer and furniture dealer, Aug. 25 at 1, and Sept. 29 at half-past 2, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Casterton & Dixon, Angel-court, Throgmorton-street.—Fiat dated Aug. 10.

**WILLIAM SNOWBALL WALKER**, Hall, Yorkshire, greener and cake maker, Aug. 25 at half-past 10, and Sept. 28 at half-past 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. Piercy, Three Crown-square, Southwark.—Fiat dated Aug. 9.

**ROBERT HONNER**, Clarence-cottages, Camden-town, contractor for wood paving, Aug. 25 at half-past 10, and Sept. 28 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Kirkman, King William-street.—Fiat dated July 27.

**JAMES RALFS**, Piccadilly, upholsterer and furniture dealer, Aug. 30 at 11, and Sept. 23 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Cox, Pinner's-hall, Old Broad-street.—Fiat dated Aug. 9.

**RICHARD BROWN**, Prescott, balance maker, **RICHARD BROWN** jun., Liverpool, tool dealer, and **WILLIAM BROWN**, Prescott, Lancashire, balance maker, Sept. 5 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Hestage, Liverpool; Chester & Toulmin, 11, Staple-inn, London.—Fiat dated Aug. 11.

**JOSHUA HORTON**, Dudley, Worcestershire, and **JOSEPH HORTON**, St. Peter-street, Ilington, iron manufacturers, Aug. 29 at 1, and Sept. 28 at 11, Court of Bankruptcy, London: Off. Ass. Valpy; Sol. Corwer, Stourbridge.—Fiat dated Aug. 1.

**JAMES WOOD**, Heathfields, within Saddleworth, Yorkshire, woollen manufacturer and merchant, Aug. 20 and Sept. 22 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Buckley, Ashton-under-Lyne; Rickards & Walker, 29, Lincoln's-inn-fields.—Fiat dated Aug. 10.

**JOHN HIGGINBOTTOM**, Ashton-under-Lyne, Lancashire, money scrivener and solicitor, Aug. 30 and Sept. 22 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Earle, Manchester, and Ashton-under-Lyne; Fox, 40, Finsbury-circus, London.—Fiat dated Aug. 9.

**THOMAS OLDFIELD HAZARD** and **HENRY BINGHAM**, Sheffield, merchants and manufacturers, Sept. 9 and Oct. 11 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Payne & Co., Leeds.—Fiat dated Aug. 9.

**GASKILL JOHNSON**, Liverpool, commission agent, Sept. 5 at half-past 12, and Sept. 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Whitley, Liverpool; Garey, Southampton-buildings, London.—Fiat dated Aug. 15.

#### MEETINGS.

*Thos. Kipping*, Tonbridge, Kent, corn dealer, Aug. 30 at half-past 12, Court of Bankruptcy, London, ch. ass.—*Edm. Burke Kilpin*, Ryde, Southampton, watch maker, Aug. 29 at half-past 10, Court of Bankruptcy, London, last ex.—*Joseph Butt* and *Edward Butt*, Mortimer-street, linen drapers, Aug. 29 at half-past 11, Court of Bankruptcy, London, last ex.—*Richard Marsden*, Brynmawr, Llanely, Brecknockshire, linen draper, Sep. 8 at 11, District Court of Bankruptcy, Bristol, last ex.—*Thos. Wright*, Edinburgh, and *Rich. Burgess* and *Ralph Taylor*, Tunstall, Staffordshire, earthenware manufacturers, Aug. 28 at half-past 11, District Court of Bankruptcy, Birmingham, last ex. of *Thos. Wright*.—*Jas. Lockwood* and *Geo. Lockwood*, Wakefield, Yorkshire, and St. John's New Brunswick, North America, linen and woollen drapers, Sep. 9 at 11, District Court of Bankruptcy, Leeds, sp. aff.—*Jas. Watkins*, Exmouth-street, Clerkenwell, draper, Sep. 8 at 1, Court of Bankruptcy, London, and ac. and div.—*Benj. Wright*, Coalbrook-dale, Shropshire, draper, Sep. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Benj. Dorrall*, Ironbridge, Madeley, Shropshire, draper, Sep. 14 at 11, District Court of Bankruptcy, Birmingham, and ac.—*C. Sharratt*, Walsall, Staffordshire, saddlers' ironmonger, Sep. 12 at 12, District Court of Bankruptcy, Birmingham, and ac.—*Wm. Boulton*, jun., and *Wm. Frederick Palmer*, Stafford, Sep. 12 at 1, District Court of Bankruptcy, Birmingham, and ac.—*John Lucas*, Gosport, Southampton, woollen draper, Sep. 8 at 12, Court of Bankruptcy, London, div.—*C. Evans*, Whitechapel-road, potato dealer, and Houndsditch, corn dealer, Sep. 8 at 11, Court of Bankruptcy, London, fin. div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Thos. Edward Rowley*, Oxford-street, draper, Sep. 8 at 2, Court of Bankruptcy, London.—*Sollay Jos. Manning*, Camomile-street, London, and Halleford, near Shepperton, Middlesex, manufacturer of bitters, Sep. 9 at 3, Court of Bankruptcy, London.—*J. Stevens*, Britwell Salome, Oxfordshire, iron founder, Sep. 9 at half-past 2, Court of Bankruptcy, London.—*Geo. Fendall*, Woodstock-street, Oxford-street, butcher, Sep. 13 at 12, Court of Bankruptcy, London.—*P. Protheroe* and *M. D. Protheroe*, Bristol, West India merchants, Sep. 14 at 11, District Court of Bankruptcy, Bristol.—*P. Protheroe*, Bristol, West India merchant, Sep. 14 at 11, District Court of Bankruptcy, Bristol.—*J. B. Symes*, Keinton Mandefield, Somersetshire, tailor, Sep. 13 at 1, District Court of Bankruptcy, Bristol.—*J. Garard*, Elland, Halifax, Yorkshire, cloth dresser, District Court of Bankruptcy, Leeds.—*J. Alex. Lee*, Liverpool, iron founder, Sep. 15 at 11, District Court of Bankruptcy, Liverpool.—*J. Parkes Hope*, Atherton, Warwickshire, builder, Sep. 23 at 12, District Court of Bankruptcy, Birmingham.—*C. Sharratt*, Walsall, Staffordshire, saddlers' ironmonger, Sep. 12 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Slagg*, Manchester, commission agent, Sep. 26 at 1, District Court of Bankruptcy,

Manchester.—*Mary Law, James Law, and Rob. Law*, Rochdale, Lancashire, flannel manufacturers, Sep. 14 at 1, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Sept. 8.

*Ed. Smith*, Sheffield, Yorkshire, innkeeper.—*John Nichols and Francis Wm. Nichols*, Blandford Forum, and Dorchester, Dorsetshire, carriers.—*Esu Rowbottom*, Manchester, flour dealer.—*Hen. S. Humphreys*, Llansilin, Denbighshire, surgeon.—*John H. Ormerod*, Manchester, wine merchant.—*Geo. Swallow*, Brow and Sterne-mills, Halifax, Yorkshire, corn miller.—*Ed. Turmaine*, Canterbury, porter merchant.—*Wm. Young*, Milford Nursery, near Godalming, Surrey, nurseryman.—*Chas. Robson*, Shotley-bridge, Durham, miller.—*Thos. Lampen*, Devonport, linen-draper.—*John Gibbs*, St. Sidwell, Exeter, tailor.—*Wm. Gofton*, Gilbert-street, Oxford-street, and Farringdon-st., London, pawnbroker.—*John Grievie*, Nicholas-lane, Lombard-street, engraver.—*Vincent Wanostrucht*, Liverpool, merchant.—*Henry Yeatman*, Bear-lane, Blackfriars-road, Surrey, victualler.—*Wm. Hill*, Newcastle-upon-Tyne, wine and spirit merchant.

#### PARTNERSHIP DISSOLVED.

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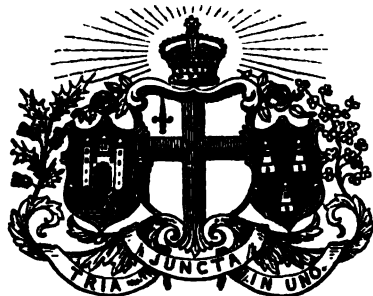
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# The Jurist

No. 346.

LONDON, AUGUST 26, 1843.

PRICE 1s.

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LONDON, AUGUST 26, 1843.

We have seen with deep regret, that, as a result of the increase of judicial strength in the Equity Courts, and of the railroad sort of craving of the public for driving Chancery suits at an apparently high speed, we are now to have a Vacation Judge in Equity as well as a Vacation Master. It is understood that one of the learned Judges of the Court of Chancery will remain in town for the whole of the period, henceforth to be called in bitter mockery "The Vacation," and will attend in his court whenever parties desire it, to hear and determine matters of judicial business.

This is the commencement of the total destruction of the long vacation; and we believe we but echo the general voice of the Equity Bar, when we repeat that we view it with extreme regret. We say that it is the commencement of the total destruction of the long vacation, and we think that will be easily proved. It is well known that suitors will always put off till to-morrow that which is not peremptorily required to be done to-day; and we should be arrogating for the profession a degree of merit to which it cannot lay claim, were we to assert that either solicitors or counsel are wholly free from the vice of procrastination. We all know, that, even under the present system, business to a vast amount is neglected, or at least not actively carried forward, during the winter and spring months, so as to produce during the three months preceding the long vacation an accumulation equally harassing to the profession and to the judge. If such delay takes place when parties are aware that unless they get their business despatched by a given time it will stand over for two months, what extent of dilatoriness may we not expect when even that inducement to activity is withdrawn, and when it is known that probably all kinds of interlocutory applications at least, may be heard as well during as before or after the long vacation? We say

all kinds of interlocutory applications; for, though it seems to be supposed that the court will only hear pressing matters, yet, to expect that the Judge will be able practically to distinguish before hearing them between pressing and non-pressing matters, seems absurd. There is scarcely any measure of what is pressing, common to the Judge and the suitor; and as a case may be exceedingly pressing to one or to both parties, although trivial to all appearance to others, the Judge will, we apprehend, be driven by degrees to permit any case to be brought before him without any inquiry, provided the parties think fit to ask and press for a hearing. The result will of course be, if the system be persevered in, that great quantities of business will be set aside during the regular sittings of the court, to stand over for the vacation, and after a few such vacations, the Vacation Judge will find himself compelled to hold regular sittings at least several days in each week.

On the comfort of the Equity Bar, the effect will be, we apprehend, most pernicious. No counsel in considerable practice, and charged with the interests of numerous clients, will probably feel himself justified in incurring the risk of leaving those interests to be compromised by the intervention, in some vacation-application, of counsel until that moment a total stranger to the cause, and liable of necessity to the commission of errors, or the omission of precautions depending on that intimate knowledge of the antecedent proceedings, which none probably can possess, except the original framer and conductor of the pleadings. May we not also, without incurring the charge of imputing mercenary motives to the Bar, allude to that not unnumerous class of men who, after years of obscure study and preparation, are but beginning to acquire celebrity and business, and who cannot, while the field is open, remain absent from it and withdraw themselves from the observation of the public, without incurring the danger of seeing their growing reputation fade away into obscurity? And will

not counsel of both these classes be under an almost irresistible pressure, if the court is de facto open, to attend it? Thus will counsel of large practice and of moderate practice be compelled to remain plunged, or perhaps what will be still worse, half-plunged in business during the vacation. The custom will be gradually formed of treating the vacation as a mere name, and the barrister will ultimately (unless the formation of the new system be arrested) be condemned to toil without intermission at his laborious and brain-destroying avocation.

That the Equity Bar is already an overworked profession, few who have access to it will, we think, venture to deny. There be those it is true among the credulous laity, who believe that the looks of Chancery Counsel are paid in gold, and their nods in precious stones; that their duties are to sit in their chairs and answer questions off hand, without any pain of thought, or to go into courts and make speeches out of the fulness of their imaginations; and that for these light labours they reap gold as a reaper reaps corn. We would ask those who think so lightly of the toil of a lawyer's life, to go into our courts on the eve of the long vacation, to look at the men of much business, and to note their pale faces, their languid tones, their melancholy attempts at occasional merriment, and the other thousand and one indicia of brains and bodies overstrained by toil and unrest, and almost total abstinence from all amusement; and let those persons who think so lightly of a lawyer's labour then say whether it is not essential that there should be some vacation, in which law and courts and clients may be, for at least some period of time, totally forgotten.

We must remember also, that it is not merely the health and strength of working counsel that require to be recruited by rest after the ordinary legal session: we should remember that the exclusive attention required during that period to subjects of legal inquiry, is such as to shut out almost all other intellectual pursuits, and all social intercourse; and that it is in the vacation only that men can find an opportunity of invigorating and generalising their minds by giving attention to other objects than law, by ceasing in fact to be lawyers, and for a brief space becoming again scholars and men of the world. Let us turn to the lives of our eminent men, of those men who have sought success at the Bar that they might thereafter become useful in the senate or otherwise in the public service, and we find that to them the long vacation was most precious as the season in which they could turn from the narrow details of daily practice, to the purifying and enlarging pursuit of science and literature; we find that the long vacation was the period in which alone they were able to collect their thoughts, and give to the world the result of their experience.

For the motives that may have induced personages in high quarters to propose and to carry into effect this desecration of the long vacation, we are bound to have, and we have, the highest respect. We doubt not that they proceed from an earnest desire to let justice be accessible to the public at all times. But we do contend, and we trust that the Bar will justify our view by its conduct, and if necessary by an expression of its opinion, that the Bar have rights as well as the public. We do contend, that the new arrangements tend to a system

incompatible with the reasonable comfort, nay, even with the physical capabilities of the Bar; we do contend that they are the beginning of a system which will add to the severe nature of the occupation of the Bar, the deadening quality of unceasingness; of a system which will, by confining counsel to the constant routine of professional business, deprive them of the opportunity of counteracting, by liberal studies and intercourse with other men, the narrowing tendencies of legal practice of a system in fine, which, if they do not destroy will destroy them mentally and bodily, and reduce the Equity branch of the once proud and intellectual Bar of England to a puny race of mere legal disputants weak alike in body and in mind.

## Imperial Parliament.

### HOUSE OF LORDS.

*Tuesday, Aug. 22.*

The Royal assent was given by commission to the Stamp Bill, Apprehension of Offenders (France) Bill, Apprehension of Offenders (America) Bill, Law of Evidence Bill, Attorneys and Solicitors Bill, Writs of Error Bill, Warrants of Attorneys Bill, Copyright of Designs Bill, Coroners' Duties Bill, Session of the Peace (Dublin) Bill, and Court of Exchequer (Ireland) Bill.

The following bills were severally read a third time as passed:—The Foreign Jurisdiction Bill (Amendment) as Municipal Corporations Bill.

DEFAMATION AND LIBEL BILL.—The amendments made in the Commons on the Libel and Defamation Bill were, after some disapproving observations of Lord Campbell, agreed to.

## PUBLIC GENERAL STATUTES.

6 & 7 VICTORIA.—SESSION 3.

(Continued from p. 285.)

### CAP. XIX.

An Act to empower the Commissioners of her Majesty's Woods to appropriate to Building Purposes the Area of Thatched House Court, and to widen and improve Little St. James's street, in the Parish of St. James, Westminster.

[31st May, 1843.]

### CAP. XX.

An Act for abolishing certain Offices on the Crown Side of the Court of Queen's Bench, and for regulating the Crown Office.

[31st May, 1843.]

SECT. 1. The Queen's coroner and attorney, one master, and one assistant master, to be the only officers of the court; other offices abolished.

2. Three officers appointed. Such clerks and messengers as are necessary to be appointed.

3. Appointment of future officers in case of vacancy. Restriction as to filling up vacancies.

4. Officers to be appointed without pecuniary consideration during good behaviour, and the clerks and messengers during pleasure.

5. In cases of sickness or absence of officers.

6. Persons appointed not to practise elsewhere.

7. Salaries of officers to commence on 1st January, 1844.

8. Salaries to certain officers in lieu of compensation allowances.

9. Salaries of clerks and messengers to be fixed by the Lord Chief Justice and the Commissioners of the Treasury.

10. Salaries of officers &c. to be paid out of the fees received in the office, and surplus to be paid into Consolidated Fund. If fees not sufficient, deficiency to be charged on Consolidated Fund.

11. Officers not to take gratuities, on pain of dismissal.

12. Queen's coroner and attorney, and master, to keep accounts of fees and disbursements, and to render same quarterly to Commissioners of the Treasury.

13. Allowances on retirement from office.

14. What persons shall be allowed to practise in the court.

15. Lord Chief Justice &c. to establish a table of fees; but no fees to be demanded in respect of proceedings directly at the suit of her Majesty.

16. Lord Chief Justice &c. to make rules &c. for care and custody of records and issuing writs &c.

17. The Queen's coroner and attorney, master and assistant master, to perform the duties of the officers abolished. The Queen's coroner to receive monies, and account for fines &c., as heretofore.

18. John Oliver Jones entitled to compensation for loss of his reversionary interest in respect to the office of clerk in court.

19. Act may be amended &c.

#### CAP. XXI.

An Act to continue until the 31st July, 1844, and to the End of the then Session of Parliament, the several Acts for regulating Turnpike Roads in Ireland. [31st March, 1843.]

#### CAP. XXII.

An Act to authorize the Legislatures of certain of her Majesty's Colonies to pass Laws for the Admission, in certain Cases, of unsworn Testimony in Civil and Criminal Proceedings. [31st May, 1843.]

Sect. 1. Laws or ordinances made by the legislatures of British colonies for admission of the evidence of certain persons residing therein shall have the same effect as other colonial laws.

2. Act may be amended, &c.

#### CAP. XXIII.

An Act to amend and explain an Act for the Commutation of certain Manorial rights in respect of lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such rights, and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure. [27th June, 1843.]

[Already printed, ante, p. 226.]

#### CAP. XXIV.

An Act to continue, until the 5th April, 1845, Compositions for Assessed Taxes, and to amend the Laws relating to the Land and Assessed Taxes, and also the Laws relating to the Duties on Profits arising from Property, Professions, Trades, and Offices. [27th June, 1843.]

#### CAP. XXV.

An Act to enable her Majesty to settle an Annuity on her Royal Highness the Princess Augusta Caroline, eldest Daughter of his Royal Highness the Duke of Cambridge. [27th June, 1843.]

#### CAP. XXVI.

An Act for regulating the Prison at Millbank. [27th June, 1843.]

#### CAP. XXVII.

An Act for granting to her Majesty, until the 5th July, 1844, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year 1843. [4th July, 1843.]

#### CAP. XXVIII.

An Act to abolish the Roman Catholic Oath as a Qualification for Voters at Elections in Ireland. [4th July, 1843.]

Whereas by an act passed in the 10 Geo. 4, [c. 7], intitled "An Act for the Relief of his Majesty's Roman Catholic Subjects," it was amongst other things enacted, that persons professing the Roman Catholic religion, being otherwise qualified, should be entitled to vote at elections of members to serve in parliament upon their taking and subscribing a certain oath therein set forth, which said oath was thereby substituted for and directed to be taken in place of the several oaths of allegiance, supremacy, and abjuration, and instead of the declaration at that time required, and instead also of such other oath as was then by law required to be taken by any of his Majesty's subjects professing the Roman Catholic religion: And whereas another act was passed in the 2 & 3 Will. 4, [c. 28], intitled "An Act to amend the Representation of the People of Ireland:" And whereas doubts have existed whether, under the provisions of the said last-mentioned act, it continues to be necessary for persons professing the Roman Catholic religion in Ireland, being otherwise qualified, to take and subscribe the said oath previous to voting at the election of

members to serve in parliament, and great diversity of practice has prevailed in this respect: And whereas it is expedient that such doubts should be removed; be it therefore enacted and declared &c., That from and after the passing of this act, no person professing the Roman Catholic religion in Ireland, being otherwise qualified, shall be required to take the said oath previous to voting at the election of members to serve in parliament, and that her Majesty's Roman Catholic subjects shall be admitted to vote at such elections on the same conditions and on the taking of the same oaths as are by law required to be taken at elections by her Majesty's Protestant subjects in that part of the United Kingdom.

#### CAP. XXIX.

An Act for reducing the Duty on Wheat and Wheat Flour, the Produce of the Province of Canada, imported thence into the United Kingdom. [12th July, 1843.]

#### CAP. XXX.

An Act to amend the Law relating to Pound-breach and Rescue in certain Cases. [12th July, 1843.]

Sect. 1. Persons releasing or attempting to release cattle impounded, or damaging any pound, &c., upon conviction before two justices, to forfeit 5*l.* and expenses, and in default of payment to be imprisoned.

2. Justices not to hear cases where questions of title arise, or as to any bankruptcy, &c.

3. Summonses may be issued against offenders, who, on proof on oath of one or more witnesses before two justices, shall be convicted in penalty and costs.

4. Offenders may be apprehended by warrant of a justice.

#### CAP. XXXI.

An Act to enable the Commissioners of Chelsea Hospital to purchase certain Parcels of Land for the Benefit of the said Hospital, and for other Purposes. [12th July, 1843.]

#### CAP. XXXII.

An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in Ireland. [12th July, 1843.]

Sect. 1. Grand jury cess in counties of cities and towns shall be apportioned off all lands &c. therein, without regard to parochial or other distinctions or divisions. Exemptions. Nothing herein to affect the act 1 & 2 Vict. c. 51.

2. The act 6 & 7 Will. 4, c. 84, not to apply to counties of cities or towns.

3. Treasurers empowered to refer to rates made for the relief of the poor.

4. Treasurer to apportion according to the last rate made under Poor Relief Act; and to publish notice that the apportionment has been made, and is open for inspection. Penalty for neglect.

5. Treasurer to issue his warrant to collector of grand jury cess. Collectors to levy such cess. Provisions of the act of 6 & 7 Will. 4 to apply thereto.

6. Appeal against apportionment.

7. Recorder or assistant barrister may determine the appeal, and amend the apportionment, or may quash the same, and order a new apportionment.

8. If apportionment be decreased, the amount overpaid to be returned.

9. Fourteen days' notice of appeal to be given.

10. Cess to be paid and levied as if no appeal made.

11. Recognisance to be entered into on appeal.

12. Justices may award costs in certain cases.

13. Treasurer to collect cess if there be no collector duly appointed.

14. The council of the borough of Cork may order a part not within the local act for lighting, paving, cleansing, and improving the borough to be included in such act. Amount of rate for lighting, how limited. Rate for other purposes, how limited.

15. Annual payment by the parish of St. Michael, Limerick, to cease in consideration of its becoming liable to grand jury cess.

16. Grand juries may present for arrears payable, with interest, by instalments. Treasurer to insert sums presented in his warrant.

17. Warrants for sums re-presented as arrears, to be stayed.

18. Security to persons willing to advance money to treasurer.
19. Debts due to the exchequer shall have priority over other claims on county rates in Dublin.
20. Penalty on treasurer withholding monies due to the exchequer.
21. Debt due to the exchequer by the city of Cork, how to be repaid.
22. Presentment made at last Spring assizes in Drogheda for debt due to the Exchequer, quashed.
23. Debts due to the exchequer by Drogheda, how to be repaid.
24. Grand jury of the town to present for amount of annuity to be raised.
25. Debt due by old part of county of Drogheda, how to be settled.
26. Interpretation of act.
27. Act may be amended, &c.

## CAP. XXXIII.

An Act to repeal so much of an Act of the 1st Year of King George the First as limits the Time for taking and being restrained from taking Salmon in certain Rivers; and to amend and extend the Provisions of an Act of the 58th Year of King George the Third to the Rivers therein mentioned.  
[28th July, 1843.]

## CAP. XXXIV.

An Act for the better Apprehension of certain Offenders.  
[28th July, 1843.]

- Sect. 1. Offenders in the Colonies escaping into the United Kingdom may be there apprehended.*
2. *For Apprehension of Offenders escaping to the Colonies.*
  3. *Offender may be committed to Gaol until he can be sent to the Place where the Offence was committed. Information of Committal to be given.*
  4. *Copies of Depositions may be given in Evidence.*
  5. *Offenders apprehended to be sent to the Place where the Offence was committed.*
  6. *If not sent within two Months after Committal, may apply to be discharged.*
  7. *Persons apprehended, if not indicted within six Months, or if not convicted, may be sent back.*
  8. *Providing for Expense of Removal of Offenders to the United Kingdom.*
  9. *Proof of the Signature of the Person issuing the original Warrant.*
  10. *Warrant not to be indorsed, except in Cases of Treason and Felony, &c.*
  11. *Act may be amended, &c.*

*Sect. 1.* Whereas it is expedient to make more effectual provision for the apprehension and trial of offenders against the laws who may be in other parts of her Majesty's dominions than those in which their offences were committed: Be it enacted, &c., That from and after the passing of this act, if any person charged with having committed any offence such as is hereinafter mentioned against the laws of any part of her Majesty's dominions not being part of the United Kingdom of Great Britain and Ireland, and against whom a warrant shall have been issued for such offence by any person having lawful authority to issue the same within that part of her Majesty's dominions where such offence shall have been committed, shall be in any place within the said United Kingdom, it shall be lawful, in Great Britain, for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord-lieutenant of Ireland, to indorse his name on such warrant, which warrant so indorsed shall be a sufficient authority to the person or persons bringing such warrant, and to all persons to whom such warrant was originally directed, and also to all constables and other peace officers in that part of the United Kingdom where the said warrant shall be so indorsed, to execute the said warrant, by apprehending the person against whom such warrant is directed, and to convey the said person before a justice of the peace for the county or other jurisdiction in which the supposed offender shall be apprehended, or in Scotland either before such justice of the peace or before the sheriff depute or substitute.

2. And to remedy the like failure of justice by the escape of persons charged with having committed offences into those parts of her Majesty's dominions which do not form part of the

said United Kingdom, be it enacted, That from and after the passing of this act, if any person charged with having committed any offence such as is hereinafter mentioned in any part of her Majesty's dominions, whether or not within the said United Kingdom, and against whom a warrant shall be issued by a person or persons having lawful authority to issue the same shall be in any other part of her Majesty's dominions not forming part of the said United Kingdom, it shall be lawful for the chief justice or any other judge of her Majesty's superior court of law within that other part of her Majesty's dominions where such person shall be to indorse his name on such warrant, which warrant so indorsed shall be a sufficient authority to the person or persons bringing such warrant, and also to all persons to whom such warrant was originally directed, and also to all peace officers of the place where the warrant shall be so indorsed, to execute the same within the jurisdiction of the person by whom it shall be so indorsed, by apprehending the person against whom such warrant is directed, and to convey him before a magistrate or other person having authority to examine and commit offenders for trial in that part of her Majesty's dominions.

3. That it shall be lawful for any person duly authorized to examine and commit offenders for trial before whom any supposed offender shall be brought as aforesaid, upon such evidence of criminality as would justify his committal if the offence had been committed in that part of her Majesty's dominions, to commit such supposed offender to prison, there to remain until he can be sent back, in manner hereinafter mentioned, to that part of her Majesty's dominions in which he is charged with having committed such offence; and immediately upon the committal of such person information thereof in writing under the hand of the committing magistrate, accompanied by a copy of the said warrant, shall be given, in Great Britain, to one of her Majesty's principal secretaries of state, and in Ireland to the chief secretary of the lord lieutenant, and in any other part of her Majesty's dominions to the governor or acting governor.

4. That in every such case copies of the depositions upon which the original warrant was granted, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

5. That it shall be lawful, in Great Britain, for any one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant, and in any other part of her Majesty's dominions for the governor or acting governor, by warrant under his hand and seal, to order any person who shall have been so apprehended and committed to gaol to be delivered into the custody of some person or persons to be named in the said warrant, for the purpose of being conveyed into that part of her Majesty's dominions in which he is charged with having committed the offence, and being delivered into the custody of the proper authorities there, to be dealt with in due course of law as if he had been there apprehended, and to order that the person so committed to gaol be so conveyed accordingly; and if the said person, after he shall have been so apprehended, shall escape out of any custody to which he shall have been committed as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws of that part of her Majesty's dominions may be retaken upon an escape.

6. That where any person who shall have been committed to gaol under this act shall not be conveyed out of that part of her Majesty's dominions in which he shall have been so committed to gaol within two calendar months after such committal, over and above the time actually required to convey the prisoner from the gaol to which he was committed by the nearest way out of that part of her Majesty's dominions, it shall be lawful for any of her Majesty's judges in that part of her Majesty's dominions in which such supposed offender shall be in custody, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to one of her Majesty's principal secretaries of state in Great Britain, or in Ireland to the chief secretary of the lord lieutenant of Ireland, or to the governor or acting governor in any other part of her Majesty's dominions, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shewn to such judge or judges why such discharge ought not to be ordered.



7. That in case any person apprehended under this act shall not be indicted for the offence for which he shall have been so apprehended within the period of six calendar months after his arrival in that part of her Majesty's dominions in which he is charged to have committed the offence, or if upon his trial he shall be acquitted, it shall be lawful, in Great Britain, for one of her Majesty's principal secretaries of state, and in Ireland for the chief secretary of the lord lieutenant of Ireland, and for the governor or acting governor in any other part of her Majesty's dominions, if he shall think fit, upon the request of the person so apprehended, to cause such person to be sent back, free of cost to such person, and with as little delay as possible, to that part of her Majesty's dominions in which he shall have been so apprehended.

8. That the court before which any person apprehended under this act shall be prosecuted or tried within the said United Kingdom may order, if it shall think fit, that the expenses of apprehending and removing the prisoner from any part of her Majesty's dominions not within the said United Kingdom to any place within the said United Kingdom, shall be repaid to the person defraying the same by the treasurer of the county, or other jurisdiction in England or Ireland, or by the sheriff depute or substitute of the county in Scotland, in which the offence is charged to have been committed, the amount of such expenses being previously ascertained by an account thereof, verified by production of proper vouchers before two justices of the peace of such county or other jurisdiction, which last-mentioned justices shall examine into the correctness of the said account, and shall allow the same, or such part thereof as shall to them appear just and reasonable, under their hands and seals; and every treasurer, or sheriff depute or substitute, who shall pay the amount so ascertained, shall be allowed such payment in his accounts respecting the business of such county or other jurisdiction.

9. That it shall not be lawful for any person to indorse his name on any such warrant, for the purpose of authorizing the apprehension of any person under this act, until it shall have been proved to him, upon oath or by affidavit, that the seal or signature upon the same is the seal or signature of the person having lawful authority to issue such warrant whose seal or signature the same purports to be.

10. That it shall not be lawful for any person to indorse his name upon any such warrant, for the purpose of authorizing the apprehension of any person under this act, unless it shall appear upon the face of the said warrant that the offence which the person for whose apprehension the said warrant has been issued is charged to have committed is such that, if committed within that part of her Majesty's dominions where the warrant is so indorsed, it would have amounted in law to a treason or some felony, such as the justices of the peace in general or quarter sessions assembled have not authority to try in England, under the provisions of an act passed in the 5 & 6 Vict. [c. 38], intitled "An Act to define the Jurisdiction of Justices in General and Quarter Sessions of the Peace," or unless the depositions appear sufficient to warrant the committal of such person for trial.

11. That this act may be amended or repealed by any act to be passed in this session of Parliament.

## CAP. XXXV.

An Act to amend so much of an Act of the last Session, for the Government of New South Wales and Van Diemen's Land, as relates to Norfolk Island. [28th July, 1843.]

## CAP. XXXVI.

An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies. [28th July, 1843.]

Sect. 1. Scientific societies exempted from rates upon obtaining the certificate hereinafter mentioned.

2. Scientific societies to cause three copies of their rules of management to be submitted to the barrister or person appointed to certify the rules of friendly societies, who shall certify thereon if entitled. One certified copy to be returned to the society; one to be retained by the barrister; and the other transmitted to the clerk of the peace for confirmation at sessions, and to be deposited.

3. Certain alterations made in the rules to be certified and deposited in like manner. In case of refusal to certify.

4. Fee to be paid to the barrister or lord advocate.

5. Provision in cases where certificate is refused.

6. Appeal to quarter sessions.

## CAP. XXXVII.

An Act to make better Provision for the Spiritual Care of populous Parishes. [28th July, 1843.]

## CAP. XXXVIII.

An Act to make further Regulations for facilitating the hearing Appeals and other Matters by the Judicial Committee of the Privy Council.

[Already printed, ante, p. 266.]

## CAP. XXXIX.

An Act for Confirmation of certain Marriages in Ireland. [28th July, 1843.]

Sect. 1. Whereas marriages have in divers instances been had and celebrated in Ireland, by Presbyterian and other Protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, between persons being of the same or different religious persuasions; and it is expedient to confirm such marriages: Be it therefore enacted, &c., That all marriages had and celebrated in Ireland since the passing of an act passed in the last session of parliament, intitled "An Act for Confirmation of certain Marriages in Ireland," and before the passing of this act, by Presbyterian or other Protestant dissenting ministers or teachers, or those who at the time of such marriages had been such, shall be adjudged and taken to have been and to be, of the same force and effect in law as if such marriages had been had and solemnized by clergymen of the United Church of England and Ireland, and of no other force nor effect whatsoever.

2. That this act may be amended, altered, or repealed by any act to be passed in this present session of parliament.

## CAP. XL.

An Act to amend the Laws for the Prevention of Frauds and Abuses by Persons employed in the Woollen, Worsted, Linen, Cotton, Flax, Mohair, and Silk Hosiery Manufactures; and for the further Securing the Property of the Manufacturers and the Wages of the Workmen engaged therein. [1st August, 1843.]

## CAP. XLI.

An Act to continue to the 1st Day of August, 1844, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies. [1st August, 1843.]

## CAP. XLII.

An Act to amend an Act of the 19th & 20th Years of King George the Third, for empowering Grand Juries in Ireland to present Bridges, and Tolls to be paid for passing the same, in certain Cases. [1st August, 1843.]

## CAP. XLIII.

An Act to suspend until the 31st day of August, 1844, the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom. [10th August, 1843.]

## CAP. XLIV.

An Act to amend the Acts for carrying on Public Works in Ireland. [10th August, 1843.]

## CAP. XLV.

An Act to continue until the 1st day of January, 1846, an Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Laws relating to Usury. [10th August, 1843.]

## CAP. XLVI.

An Act to continue until the 1st day of August, 1844, and to the End of the then Session of Parliament, an Act for authorizing her Majesty to carry into immediate Execution by Orders in Council any Treaties for the Suppression of the Slave Trade. [10th August, 1843.]

## CAP. XLVII.

An Act to continue until the 1st day of August, 1844, and to the End of the then Session of Parliament, an Act for amending the Law for the Trial of controverted Elections. [10th August, 1843.]

(To be continued).

MASTERS IN CHANCERY.—The following gentlemen have been appointed Masters Extraordinary in the High Court of Chancery:—John Harward, of Stourbridge, Worcestershire; Richard Pidcock, of Plumstead, Kent.

## London Gazette.

TUESDAY, AUGUST 22.  
BANKRUPTS.

JOHN CHARLES ORD, Waterloo-place, Pall-mall, coal factor and ship owner, Sept. 5 at 12, and Oct. 17 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Goren, South Molton-street.—Fiat dated Aug. 14.

MARTIN HENRY LEWIS GAETANO COLNAGHI, Cockspur-street, Charing-cross, printseller, Sept. 15 at 1, and Oct. 14 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Fidley, 3, Paper-buildings, Temple.—Fiat dated Aug. 13.

BETTY MELMOTH, Yeovil, Somersetshire, victualler, Sept. 1 at 12, and Sept. 27 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzel; Sols. Watts, Yeovil; Laidman, Exeter; Fennell & Kelly, 32, Bedford-row.—Fiat dated Aug. 9.

SAMUEL FOX PARSONS, Pontardawe, Llanguick, Glamorganshire, iron founder and forge man, Sept. 14 and 28 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sol. Mansfield, Swansea.—Fiat dated Aug. 15.

ROBERT CALDECOTT and JOHN CALDECOTT, Manchester, silk mercers and drapers, Sept. 21 and Oct. 10 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Frazer; Sols. Sale & Worthington, Manchester; E. & R. W. Bennett, Manchester; Reed & Shaw, Friday-street, London.—Fiat dated Aug. 9.

JOHN WESLEY DAVIS and FRANCIS DAVIS, Liverpool, drug grinders, Sept. 7 at 11, and Oct. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Forshaw & Blundell, Liverpool.—Fiat dated Aug. 15.

## MEETINGS.

Henry Walton jun., Crowland, Lincolnshire, wheelwright, Aug. 30 at 12, Court of Bankruptcy, London, last ex.—*Jas. Gibbs*, Jermyn-street, Westminster, scrivener, Sept. 16 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Henry Hedger* and *James Hedger*, Coventry, watch manufacturers, Sept. 12 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; Sept. 14 at 12, div.—*Michael Blood*, North Audley-street, Grosvenor-sq., surgeon, Sept. 12 at 11, Court of Bankruptcy, London, fin. div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

John Bowring, Exmouth-street, Clerkenwell, linen draper, Sept. 14 at 10, Court of Bankruptcy, London.—*Edw. Butt*, Great Surrey-street, linen draper, Sept. 21 at half-past 11, Court of Bankruptcy, London.—*Thos. Kimpton*, High-st., Newington-butts, Surrey, draper, Sept. 15 at 11, Court of Bankruptcy, London.—*Jas. Cranbrook*, Deal, Kent, draper, Sept. 21 at half-past 12, Court of Bankruptcy, London.—*G. Williams*, Aldgate, London, and New Kingston, Surrey, linen draper, Sept. 21 at 12, Court of Bankruptcy, London.—*Geo. Bloor*, Wharf-road, City-road, coal merchant, Sept. 21 at 1, Court of Bankruptcy, London.—*Jas. Stanford*, Cranborne, Dorsetshire, grocer, Sept. 19 at half-past 12, Court of Bankruptcy, London.—*Thos. Joseph Clark*, Billingsgate, victualler, Sept. 16 at 1, Court of Bankruptcy, London.—*Jas. Richards*, Oxford-street, livery-stable keeper, Sept. 15 at 12, Court of Bankruptcy, London.—*Sam. Seccombe*, Tavistock, Devonshire, and Bude, Cornwall, tailor, Sept. 27 at 11, District Court of Bankruptcy, Exeter.—*Edw. Farmer*, Wellington, Shropshire, tea dealer.—Sept. 14 at 1, District Court of Bankruptcy, Birmingham.—*Thos. Thorp*, Manchester, merchant, Sept. 13 at 2, District Court of Bankruptcy, Manchester.—*Edw. Topham*, Manchester, woollen merchant, Sept. 14 at 1, District Court of Bankruptcy, Manchester.—*Hen. Hilton*, Over Darwen, Lancashire, bleacher, Oct. 16 at 12, District Court of Bankruptcy, Manchester.—*Jas. Schofield*, Oldham, Lancashire, grocer, Sept. 25 at 12, District Court of Bankruptcy, Manchester.—*John Hen. Fuller*, Flixton, Lancashire, grinder, Sept. 22 at 12, District Court of Bankruptcy, Manchester.—*Wm. Greenwood*, Greenacres, Moorside, Oldham, Lancashire, corn dealer, Sept. 22 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 12.

John Tattersall, Old Lyons, Over Darwen, Lancashire,

coal dealer.—*Thos. Stripling*, Colchester, Essex, coach maker.—*Gustavus Wulff*, Liverpool, banker.—*James Michael Mallan*, Ludgate-hill, London, dentist.—*Richard Ellis*, Harrold stone, St. Isells, Pembrokehire, draper.—*Gylby Hairine*, York, linen draper.—*Hen. Tunner*, Granada-terrace, Stepney master mariner.—*John Skiekie*, Attleburgh, Norfolk, and Great Pulteney-street, Soho, corn dealer.—*Thos. William and Edw. Williams*, Liverpool, linen drapers.—*Joseph Jones*, Stafford, bookseller.—*John Henderson*, Greenaside, Ryton Durham, wood merchant.—*Wm. Stent*, Oxford-street Mid dlesex, hosier.—*Ralph Mansfield*, Liverpool, Lancashire, coal dealer.—*James Caleb Whittenbury*, Blackheath-hill, Kent builder.

## FIAT ANNULLED.

Joseph Allen, George Allen, and Henry Allen, Birmingham, drapers.

## PARTNERSHIP DISSOLVED.

H. Whittaker and Joseph Tatham, New-square, Lincoln's inn, attorneys and solicitors.

## SCOTCH SEQUESTRATION.

James Allen, Glasgow, ironmonger.

## DECLARATIONS OF INSOLVENCY.

Wm. Chalmers, Bramley, Yorkshire, licensed victualler.

James John Barnes, Woolwich, Kent, carpenter.

Jane Hutchins, Manchester, widow, dress maker.

Elizabeth Bedford, Bristol, out of business.

Thomas Hope, Warrington, Lancashire, printer.

Joseph Groom, Long Buckby Top Locks, Northamptonshire, smith.

Fred. Adams, Bromley-street, Commercial-road, Stepney, town traveller.

John Edmonds, Greenwich, Kent, attorney's clerk.

Wm. Walker, Uppingham, Rutlandshire, surgeon.

G. Gleadhill, Dewsbury, Yorkshire, blanket manufacturer.

Betsy Stansway, Hulme, Manchester, out of business.

George Phillips, Garthmaelan, near Dolgellau, Merionethshire, perpetual curate.

George Thurtell, Eaton, Norwich, landscape gardener.

Wm. Scott, Manchester, millwright.

Wm. Barnes, Tormoham, Devonshire, plumber.

John Charles Mainstone, York, jeweller.

George Lister, Dewsbury, Yorkshire, clothier.

## INSOLVENT DEBTORS.

Saturday, Aug. 19.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

Wm. Henry Sloggett, Rickmansworth, Hertfordshire, yeoman, No. 63,075 C.; Henry Coom, assignee.—*Wm. Pitt*, Praed-street, Paddington, trunk maker, No. 55,165 T.; Wm. Grane, assignee.—*Benjamin Hammond*, Kidderminster, Worcestershire, slater, No. 62,988 C.; Richard Barlow, assignee.—*John Pease*, Sheffield, saddle and harness maker, No. 61,893 C.; John Hardy and Richard Jenkinson, assignees.—*Wm. Powell*, Liverpool, publican, No. 62,642 C.; James Barton, assignee.—*James Masters*, Cambridge, butcher, No. 63,154 C.; Wm. Binder, assignee.—*Thomas Potter*, Falcon-street, Falcon-square, London, and Kidderminster, Worcestershire, clerk to a carpet manufacturer, No. 55,431 T.; W. Boycot, assignee.—*Edw. Larkin*, Gateshead, Durham, out of business, No. 62,617 C.; Robert Wilson, assignee.—*James Collier*, Cheltenham, Gloucestershire, out of business, No. 62,699 C.; Geo. B. Morland, assignee.—*William Yearley*, Hulme, near Manchester, out of business, No. 63,240 C.; Thomas Wilson, assignee.—*Michael Graham*, Durham, labourer, No. 31,930 C.; Christopher Liddell, assignee.—*Edward Salisbury*, Blackburn, Lancashire, auctioneer, No. 62,561 C.; Thomas E. Swift, assignee.—*Robert Barnes* jun., Brantston, Leicestershire, out of business, No. 63,392 C.; J. Spriggs, assignee.—*John Harvey*, Park-road, Old Kent-road, Surrey, harness maker, No. 54,556 T.; Isaac Baynton, assignee.—*J. Brock*, Congleton, Chester, plumber, No. 60,476 C.; Wm. Brock, assignee.—*Thos. Mottam*, Torteth-park, near Liverpool, blacksmith, No. 63,384 C.; Sam. H. Morston, assignee.—*Jas. Balls*, Laxfield, Suffolk, innkeeper, No. 63,108 C.; Chas. Revett, assignee.—*Rich. Hacking*, Bedlam, Lower Darwen, near Blackburn, Lancashire, stone mason, No. 62,447 C.; Thos. Thwaites, assignee.—*James Parker*,

Liverpool, bread baker, No. 63,259 C.; Geo. Smith, assignee.—*Thos. Pacey*, Toxteth-park, Liverpool, butcher, No. 63,354 C.; B. M'Entagart, assignee.—*Christiana Gross*, widow, St. Ansell, Cornwall, grocer, No. 62,941 C.; P. Wheeler, assignee.—*Robt. Seddon*, Bowden, near Altrincham, Chester, out of business, No. 63,435 C.; Wm. Bowler, assignee.—*J. Hoareman*, Ipswich, Suffolk, carpenter, No. 62,995 C.; Robt. Ransome, assignee.—*Jas. Berrow*, Norton Hammer, near Sheffield, Yorkshire, nurseryman, No. 59,547 C.; H. Hinde, assignee.—*Jas. Poole*, Bristol, tailor, No. 62,698 C.; Joseph Hammond, assignee.—*A. Gilbert*, Nantwich, Chester, shoemaker, No. 62,682 C.; Jas. Gilbert, assignee.—*John Yardley*, St. Andrew's-road, New Kent-road, Surrey, licensed brewer, No. 55,450 T.; Thomas Pottinger, assignee.—*Henry John M'Nally*, Hanwell, Middlesex, attendant at Hanwell Lunatic Asylum, No. 55,342 T.; Geo. Emmitt jun., assignee.—*Thos. Archdale*, Liverpool, provision dealer, No. 63,166 C.; A. M'Bryde and D. A. Weaver, assignees.—*T. Walker*, jun., Liverpool, out of business, No. 63,262 C.; Thomas Clark, assignee.—*Edmund Nichols*, Commercial-road East, and Norwich, Norfolk, shoe maker, No. 55,106 T.; Benjamin Cobb, assignee.—*Geo. B. Horridge*, Liverpool, printer, No. 63,382 C.; John Cummings, assignee.

## MEETING.

*James Collier*, Cheltenham, Gloucestershire, out of business, Sept. 14 at 12, at Hildyard's, Farnival's-inn, sp. aff.

## FRIDAY, AUGUST 25.

## BANKRUPTS.

**HENRY WALSH**, Reading, Berkshire, watch maker and jeweller, Sept. 1 at 12, and Oct. 5 at 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Barber, Farnival's-inn, Holborn.—Fiat dated Aug. 8.

**WILLIAM BURT**, Harrow-road, Paddington, boarding and lodging-house keeper, Sept. 1 at 11, and Oct. 6 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Barnard, Southampton-street, Strand.—Fiat dated Aug. 19.

**JAMES JUDD** and **WILLIAM JUDD**, Romsey, Southampton, mealmen, Sept. 2 at 1, and Oct. 6 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Holmes, Romsey; Staniland & Long, Bouverie-street.—Fiat dated Aug. 14.

**JOSEPH ROBSON** and **THOMAS RICHARD ROBSON**, St. Martin's-lane, organ builders, Sept. 4 at 11, and Sept. 27 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Moseley & Co., Bedford-street, Covent-garden.—Fiat dated Aug. 19.

**JAMES ATKINS**, Shoreditch, tobacconist, Sept. 6 and Oct. 6 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. B. & J. Lawrence, Old Fish-st.—Fiat dated Aug. 21.

**JOHN PRIOR**, St. Paul's, Bedford, stationary and builder, Sept. 4 and Oct. 14 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Lewis, Wylmington-square.—Fiat dated Aug. 14.

**ROBERT SUTTON COLPITTS**, Newcastle-upon-Tyne, grocer and tea dealer, Sept. 1 at 11, and Oct. 16 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Hill & Matthews, 1, Bury-court, St. Mary Axe, London.—Fiat dated Aug. 12.

**JAMES BROUGH POW**, Newcastle-upon-Tyne, ship and insurance broker, Sept. 5 at half-past 2, and Oct. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Brown, Newcastle; Brooksbank & Farn, 14, Gray's-inn-square.—Fiat dated Aug. 17.

**WILLIAM CHESWATH**, Newton, near Middlewich, Cheshire, brewer, Sept. 9 at 1, and Oct. 12 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Barker, Middlewich; Cuff, 12, Half Moon-st., Piccadilly.—Fiat dated Aug. 17.

**ANDREW CUNNINGHAM**, Bolton, Lancashire, provision dealer, Sept. 13 and 27 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Cornthwaite, Liverpool; Cornthwaite & Adams, Dean's-court, Doctors'-commons, London.—Fiat dated Aug. 16.

**CHARLES BENN BUCHANAN** and **WILLIAM CUNNINGHAM**, Liverpool, merchants, Sept. 11 at 1, and Oct. 3 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Whitley, Liverpool; Garey, Southampton-buildings, London.—Fiat dated Aug. 19.

## MARTINEES.

*James Gregory*, Sheffield, manufacturer of table knives and razors, Sept. 9 at 12, District Court of Bankruptcy, Leeds, pr. d.—*John Bewie*, Shoe-lane, London, grocer, Sept. 7 at half-past 10, Court of Bankruptcy, London, last ex.—*George Thomas Whittington*, Great St. Helen's, London, merchant, Aug. 31 at 3, Court of Bankruptcy, London, last ex.—*Chas. Clark*, Tower-street, Westminster-road, Surrey, baker, Sept. 4 at 1, Court of Bankruptcy, London, last ex.—*A. Harris*, Sharp's-buildings, Tower-hill, aloppeller, Sept. 4 at half-past 12, Court of Bankruptcy, London, last ex.—*W. Henderson*, North Shields, Northumberland, pipe manufacturer, Sept. 4 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*George Cleverley*, Calne, Wiltshire, builder, Sept. 15 at 12, District Court of Bankruptcy, Bristol, last ex.—*S. H. Glover*, Bermondsey-street, Surrey, oil and colourman, Sept. 16 at 11, Court of Bankruptcy, London, and ac.—*N. Garvie*, Rahere-street, St. Luke's, tailor, Sept. 23 at 11, Court of Bankruptcy, London, and ac.—*T. Miller*, Green-street, Leicester-square, baker, Sept. 23 at half-past 12, Court of Bankruptcy, London, and ac.—*Thomas Marsden*, Northallerton, Yorkshire, dealer and chapman, Oct. 12 at 11, District Court of Bankruptcy, Leeds, and ac.—*William Cock*, Bungay, Suffolk, grocer, Sept. 18 at half-past 12, Court of Bankruptcy, London, div.—*George Bayley*, Rotherhithe, Surrey, ship breaker, Sept. 18 at 11, Court of Bankruptcy, London, fin. div.—*Benj. Lawrence*, Crown-court, Old Broad-street, London, merchant, Sept. 18 at 12, Court of Bankruptcy, London, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Wm. Gordon*, Colchester, Essex, coach proprietor, Sept. 16 at half-past 2, Court of Bankruptcy, London.—*S. Billingsley*, jun., Harwich, Essex, merchant, Sept. 18 at 11, Court of Bankruptcy, London.—*J. Andrew Stirton*, Camden-st., Covent-garden, grocer, Sept. 18 at 1, Court of Bankruptcy, London.—*J. Stoodley*, Bridport, twine manufacturer, Sept. 21 at 11, District Court of Bankruptcy, Exeter.—*Rich. Goddy* and *Wm. Ed. M'Kee*, Kingston-upon-Hull, millers, Oct. 12 at 11, District Court of Bankruptcy, Leeds.—*Thos. Radcliffe*, Birmingham, stationer, Sept. 19 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 15.

*Robert Pinkerton*, Mark-lane, London, merchant.—*John Crallan*, Sunderland, Durham, timber merchant.—*William Bloxam*, Duke-street, Grosvenor-square, apothecary.—*Wm. A. Whinfield*, Newcastle-upon-Tyne, draper.—*Ed. Binyon*, Bell's-buildings, Salisbury-square, Fleet-street, commercial agent.—*John Wood*, *Wm. Wood*, *Jos. Wood*, *Samuel Wood*, *Geo. Wood*, and *Joshua Wood*, Millbridge, Liversedge, Birstall, Yorkshire, machine makers.—*Wm. East*, Spalding, Lincolnshire, builder.—*Wm. Sims*, St. Ives and Penzance, Cornwall, grocer.

## PARTNERSHIP DISSOLVED.

*Thomas Francis* and *Thomas Dodge*, Liverpool, attornies and solicitors.

## SCOTCH SEQUESTRATIONS.

*Alex. Watson*, Lynliah, Moray, farmer.—*David Martin*, Broughty Ferry, fish dealer.—*Walter Scott*, deceased, Comerton, Fifeshire.

## DECLARATIONS OF INSOLVENCY.

*Philip Cohen*, Lant-street, Southwark, Surrey, dealer in vials and bottles.

*Hyman Cohen*, Belvidere-place, Borough-road, Southwark, Surrey, dealer in vials and bottles.

*Thomas Downward*, Liverpool, tailor.

*James Tayres*, Manchester, joiner.

*Francis Hepworth*, Bradford, Yorkshire, grocer.

*John Wilson*, Farnworth, Widnes, Lancashire, out of business.

*George Fowler*, Bawtry, Yorkshire, coachman.

*Thomas Coucher*, South Bruton-mews, Bruton-street, New Bond-street, livery-stable keeper.

*Jas. Hampton*, Bland-street, Dover-road, Southwark, eating-house keeper.

*Robert Brown*, Bell's-buildings, Salisbury-square, Fleet-st., commission agent.

*John H. Evans*, Streed, near Rochester, Kent, grocer.

*Samuel Lumb*, Batley, Yorkshire, cloth drawer.  
*John Harlley*, Thornton, Bradford, Yorkshire, mechanic.  
*George Newsome*, Havercroft, Batley, Yorkshire, clothier.  
*John Redgrave*, Walcot-square, Lambeth, out of business.  
*Jas. Swithenbank*, Pudsey, Calverley, Yorkshire, clothier.  
*Frederick William Wightman*, Bridge-road, Battersea, Surrey, extra clerk in the Royal Hospital, Chelsea.  
*Thomas Gower*, Took's-court, Cursitor-street, Chancery-lane, law writer.  
*Abraham Levi*, Wednesbury, Staffordshire, watch maker.  
*Joshua Edge*, Cleo-hills, Whethall, Shropshire, blacksmith.  
*Mary De Raymond Lawrence*, widow, Bernard-street, Brunswick-square, Bloomsbury, in no trade.

The Right. Hon. Sir Nicholas Conyngham Tindal, Knt., Lord Chief Justice of her Majesty's Court of Common Pleas at Westminster, has been pleased to appoint William Burgoyne Fernell, of Sheffield, in the county of York, Solicitor, to be one of the Perpetual Commissioners for taking the acknowledgments of deeds to be executed by married women, under the Act passed for the abolition of fines and recoveries, and for the substitution of more simple modes of assurance, in and for the West Riding of the county of York.

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# The Jurist

No. 347.

LONDON, SEPTEMBER 2, 1843.

PRICE 1s.

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LONDON, SEPTEMBER 2, 1843.

We have now before us the Act for Improving the Law of Evidence, and short and simple as are its provisions, they effect a great, and, as we deem it, extremely beneficial change in the law. The preamble recites, "That the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony." It is then enacted, that no person offered as a witness, shall hereafter be excluded by reason of any incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person, having by law or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may and shall be admitted to give evidence on oath, or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or inquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence. But it is provided that a party to the suit individually named in the record, or any lessor of the plaintiff, or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cog-

nizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively, shall not be competent. And there is also a proviso that the act shall not repeal any provision in the Act for the Amendment of the Laws with respect to Wills. It is curious to trace the progress of the Law of Evidence from the time when the testimony of witnesses was first introduced, and jurors were to find their verdict according, not to their own knowledge, but to the evidence laid before them, to the present, when, from the decisions of a long succession of enlightened judges, and the labours of able and learned writers, there has been produced a code, whose rules are founded more on reason and less on precedent than those of any other branch of our law, except perhaps the mercantile, which was formed at the same time and by the same minds as the other. Precedent however did sometimes interpose, though seldom with good effect. The rules, which it was the object of the recent act to abrogate, seem to have been founded upon old precedents, and perhaps in early times judges were unwilling to trust to a jury the often difficult question, what degree of credibility a witness deserved. Of the rule which rejected a witness on account of interest, Lord Mansfield said, (1 T. R. 300), "The old cases on the competency of witnesses have gone upon very subtle grounds; but, of late years, the courts have endeavoured, as far as possible, consistently with those authorities, to let the objection go to the credit rather than the competency of the witness." After Lord Mansfield's time, who was probably somewhat in advance of his learned brethren, this principle was more and more recognised; but the "consistently with those authorities" still fettered the judges, and it was at last found necessary to call in the Legislature to their aid. There were two modes in which a witness might be rendered incompetent by reason of in-

terest—first, where he had a direct and immediate benefit from the event of the suit itself; and, secondly, where he might avail himself of the benefit of the verdict in support of his own claims in a future action. The second ground of incompetency was removed by the stat. 3 & 4 Will. 4, c. 42, s. 26, which, as our readers know, provided that the witness might be examined, but that the verdict or judgment should not be evidence for or against him. This statute, which thus removed a ground of incompetency, by which, in numerous cases, persons were prevented from giving testimony, was undoubtedly a step in the right direction; but although partially producing the same effect, it did not proceed upon the same principle as the late act. It did not make the witness competent, notwithstanding his interest in the verdict; but by rendering the verdict of no avail, it took away the interest, and so rendered him competent. This was a mode of proceeding inapplicable to the case where the witness had a direct and immediate benefit from the event of the suit itself. There the interest could not be taken away. In such a case, therefore, the witness has been rendered competent by recognising the principle that his testimony ought not to be refused because he is interested in the matter concerning which he comes to speak, but being received, the interest is to be considered in determining what degree of credit it deserves. Upon the subject of what interest disqualified a witness, and what did not, there were numerous cases. Eighty pages of the late edition of Mr. Phillipp's work are devoted to the consideration of this rule and its exceptions. All this, we are glad to inform our readers, it will now be unnecessary for them to peruse. Except in the few and simple instances of the party to the suit individually named in the record, the lessor of the plaintiff or tenant in possession in ejectment, the landlord or other person in whose right cognizance is made in replevin, and the person in whose immediate and individual behalf the action is brought or defended, no witness is incompetent by reason of being interested in the matter in question. And our readers will observe, that a party to the suit to be incompetent must be individually named in the record. The members of a company which sues and is sued in the name of its public officer, may therefore be witnesses; and so also may members of corporations.

The other cause of incompetency which has been removed by the late act, was of little importance compared with that of which we have been speaking. In practice, indeed, witnesses were rarely rejected on the ground of infamy. Their incompetency must have been established by formal proof of the conviction and judgment, which was attended with considerable difficulty, especially where it was not known beforehand that the convict would be produced as a witness. In the latter case, except in rare instances, it was impossible to obtain such formal proof. The desired effect of discrediting the witness, was therefore generally produced by cross-examining him as to his trial for the crime. The propriety of the rule which excluded a witness on account of his conviction of an infamous crime, had often been questioned. Mr. Phillipp says, "Although the moral principle of a witness on some former occasion

has proved too weak to resist a passion or temptation of interest, it does not follow that he ought to be accounted wholly undeserving of credit, when there may be a temptation to lead astray, or where it may be reasonably supposed that the oath he takes, and the fear of the temporal punishment annexed to perjury, will not be without influence in causing him to adhere to truth. Though a person may be proved on his own shewing, or by other evidence, to have foresworn himself as to a particular fact, it does not follow that he can never afterwards feel the obligation of an oath." And in another passage he says, "Pardons are not unfrequently granted for the purpose of procuring the evidence of a witness as to some offence which might otherwise go unpunished. Thus the Crown has the power of supplying evidence or withholding it; and a convict in the hope of receiving a pardon, may be tempted to exaggerate and strain their evidence. There is danger, that the course of public justice may thus be prejudiced; and, in point of credibility, such a witness must be regarded in the same light (if no worse) after a pardon as before. It has happened, that for the support of a single prosecution, no less than five convicts have been pardoned, thus escaping the punishment due to their crimes; whereas, if such evidence could be used without a pardon, it would be more free from suspicion, and the ends of justice would be more effectually attained." The cases upon this ground of incompetency are not numerous, and the subject occupies but few pages of the books on evidence. We are glad, however, that the Legislature has repealed a rule, which was founded on purely technical grounds, and certainly never produced any good effect upon the administration of justice; for we agree not with those whose delicate minds are shocked by the thought of seeing a convict in the witness-box.

Besides the provisions we have noticed, the act provides, that, in courts of equity, a defendant may be examined on behalf of the plaintiff or a co-defendant, and that any interest he may have in the matter in question shall only be considered as affecting, or tending to affect, his credit. There is also another clause in the act which certainly cannot be said properly to form part of an act for improving the law of evidence, and is placed there, we suppose, because it was not thought deserving of a separate act. It runs thus—That whenever, in any legal proceedings whatever, legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as jurors have made affirmation instead of oath; but it may be stated that they served as jurymen, in the same manner as if no act had passed for enabling persons to serve as jurymen without oath.

Such are the provisions of an act, which, in its brevity, reminds us of the early statutes. That the change which it makes in the law will be found to improve the administration of justice, we entertain not the slightest doubt; and the thanks of his country are due to the noble and learned Lord with whom it originated.

The Queen has been pleased to appoint Charles Le Blanc, Esq., to be Magistrate of her Majesty's Settlements in the Falkland Islands.

### Article.

*A Treatise on Proceedings in Equity by Way of Supplement and Revivor.* By GEORGE TOWRY WHITE, Esq., of Lincoln's Inn, Barrister at Law.

[Stevens & Norton and Sweet, 1843.]

If there be any branch of the science of Equity Pleading which is surrounded by difficulty, it is that branch on which Mr. White has exerted his industry in the work before us. The looseness with which the term "supplemental" has been used by the highest authorities, the shadowy distinctions between supplemental bills and original bills in the nature of supplemental bills, and the jumble of terms in which the different proceedings by supplement and revivor, and their combinations, have been treated of, both in the cases and in the text-books, have rendered it a matter of extreme difficulty sometimes to say what is a supplemental bill; of still more to say when a defect in a suit is to be remedied by supplemental bill only; when by bill of revivor and supplement; when an original bill is requisite, and when an original bill in the nature of a supplemental bill will do; and of still more to say how, in strictness, some of these bills ought to be framed. In *Woods v. Woods*, (10 Sim. 197), Sir L. Shadwell, V. C., addressing himself to the question whether a supplemental bill was or not impertinent on the ground of repetitions of some of the statements of the original bill, after citing large extracts from Lord Redesdale's justly celebrated treatise, observed, "It is obvious, that in these passages there is a good deal of repetition; but I think the substance of them is, that, when a bill is filed asking for relief against a given individual, and he dies, and by any act of his own, as by a devise, his interest in the estate, which is the subject of the suit, is transmitted to other persons, those other persons are to be made parties to the suit by means of a bill which, with respect to them, is an original bill, but which with respect to the original bill is a bill of supplement. Lord Redesdale says, that such a bill must state the original bill and the proceedings had upon it." So that from all the learning on supplemental bills contained in a text-book long treated as an authority on pleading, all that his Honor could, in a most doubting tone, elicit as applicable to a practical question was, that, through much repetition, there was *in substance* a statement to a certain effect. We suspect that what his Honor meant was, that he could make nothing out of Lord Redesdale, but that his own opinion was to a certain effect; and that for anything that appeared to the contrary, Lord Redesdale's might be the same.

Again, on no subject is there such frequent and difficult conflict or close approximation to conflict between the cases, as on points of pleading by way of revivor and supplement. Thus one general rule with regard to a supplemental bill is, as it is stated by Mr. White, (p. 210), that "Where the title of the plaintiff is absolutely bad at the time of filing the original bill, he cannot support it by bringing forward a new event, by which he acquires a good title after the filing of the original bill."

"Thus," (our author continues), "in *Tonkin v. Lathbridge*, (9 Cooper, 43), a person claiming as heir of a mortgagor filed his bill for redemption of the mortgage. The defendant denied the heirship of the plaintiff; whereupon the plaintiff amended his bill by stating that he had purchased the interest of the real heir since the institution of the suit, but called for no further answer. At the hearing an issue was directed to try whether the plaintiff was the real heir, and he was

found not to be so; whereupon he filed a supplemental bill stating a confirmation of the sale by the real heir. On demurrer for that the new matter was not matter of supplement, Lord Eldon said, "To entitle a plaintiff by supplemental bill to the benefit of the former proceedings, it must be in respect of the *same title* in the *same person* as stated in the original bill. If in the present case the title now relied on was sufficiently stated in the original bill, that is good ground for a rehearing of the cause; if it is not, then any third person as well as the plaintiff might file a supplemental bill. If two original bills had been filed to redeem, one by the present plaintiff, and the other by Kekewich, (the real heir), and then the issue at law was found in favour of Kekewich, whereupon the plaintiff had bought Kekewich's title, it is clear that the purchase should be stated by supplemental bill in Kekewich's suit, and not in the present plaintiff's." The bill however was dismissed without prejudice to the plaintiff's right to file a new original bill.

So where a solicitor instituted a suit for payment of costs due to him from a client, and it appeared from the answer that he had not delivered a signed bill conformably with the act of Parliament, and a bill duly signed was subsequently delivered, and that fact stated by a supplemental bill; it was held that the title was not cured thereby, and that the supplemental bill would not lie.

And where a defendant, in answer to a bill by the assignees of a bankrupt, alleged that the plaintiffs had not obtained the necessary consent to the institution of the suit, whereupon the plaintiffs filed a supplemental bill, stating that since the filing of the original bill they had obtained the necessary consent, a demurrer was allowed.

However, it appears, that, under peculiar circumstances, the court will depart from the strict letter of this rule. Thus, where a plaintiff claimed as having been nominated by his father to a church, and filed his bill for an account of the profits, he afterwards amended his bill by stating that the equitable right of nomination claimed by his father had by his father's will, and a certain deed of release from his sisters, become vested in the plaintiff. It appeared that the plaintiff's title could not have been sustained under the instrument executed by his father, and that the deed of release from his sisters formed an essential part of his title; but it was held, that, as that deed was not executed until after the bill was filed, the court could not enter into the consideration of the plaintiff's claim, because, as the record then stood, a decree affirming the plaintiff's title must have reference to the date of the bill, and would affirm the title in the plaintiff *at that time*. However, as great expense had been incurred, Sir John Leach, M. R., directed the cause to stand over in order that the plaintiff might file a supplemental bill for the purpose of regularly introducing the release from his sisters." (*Matter v. Chawel*, 5 Russ. 42).

Again, the new event put in issue as supplemental matter must, it would seem, from some cases, be material and beneficial to the merits of the original cause, and not merely such as bears as evidence on the facts in issue in the original cause. This seems to be the effect of *Milne v. Harewood* (17 Ves. 148) and *Adams v. Dowding* (2 Mad. 53).

"In the former of these cases," says Mr. White, "The plaintiff filed a supplemental bill stating new facts which happened after publication in the original cause, and which he contended would be material and useful in evidence upon the hearing of the original cause. But Lord Eldon said, 'There is no recollection of a supplemental bill of this kind; and if a new practice is to be settled, my opinion is, that when a case arises where either a conversation or an admission



"of a defendant becomes material after answer or replication, or, as in this case, after examination of witnesses in the original cause, or if a new fact happens after publication, which it is material to have before the court in evidence when the original cause is heard, it is much better that the examination of witnesses if required should be obtained on a special application for the opportunity of examining and for having the depositions read at the hearing; or if discovery is required, that the party should file a bill for that purpose merely; and if relief is required, that the answer comprehending the discovery should be read at the hearing of the original cause."

"In *Adams v. Dowding*, (2 Madd. 53), Sir Thomas Plumer, V. C., after referring to the above case of *Milner v. Harewood*, said, that "Where there is no alteration in the interest of the parties, nor any particular circumstance requiring further discovery, but where only a fact has occurred which might be proved on taking the account prayed by the original bill, and the relief is not varied by the supplemental matter, but the plaintiff might, under the original bill, have the relief prayed by the supplemental bill, in such a case a supplemental bill is improper."

But then comes *Morris v. Ellis*, (6 Jur. 547), which is thus stated by Mr. White, (p. 214): "A bill was filed by a rector for an account of tithes, and the occupier set up a modus as a defence, and died, whereupon the suit was revived against his representatives. Afterwards the Tithe Commutation Act (6 & 7 Will. 4, c. 71) having passed, and the commissioner appointed thereunder having decided in favour of the modus as between the rector and the then occupier; and the rector having thereupon brought an action against the landlord and obtained a verdict against the modus, it was held that these subsequent facts were properly introduced in a supplemental bill, as matter of evidence against the representatives of the deceased occupier."

Mr. White's work is exclusively devoted to the mode of curing defects in a suit, which from their nature, or the stage at which the proceedings have arrived, cannot be cured by amendment of the bill, but only by a bill of revivor, or a bill of supplement, or by some of the combinations of those two kinds of bills with each other, or with the original bill; And of those remedies for the imperfections of a suit, whether inherent in its original frame, or imported into it by events subsequent to the filing of the original bill, he treats in a clear and methodical manner in fourteen chapters; discussing the various kinds of defects, the kind of bill adapted to remedy each, and the proper form for the different kinds of bills.

The form adopted by the author in treating of his subject, is the good old form of text-book, viz. to state a series of general rules and propositions which are framed out of the various cases bearing on the particular points; then to illustrate those propositions by a statement more or less detailed of the cases; and lastly, to point out exceptions to the rules, framed also if practicable into general rules, and if not, by reference to the special cases of exception.

Thus, in treating of the mode of curing defects originally inherent in the suit, he says, (p. 9), "A supplemental bill may be filed for the purpose of correcting an error of the statements of the original bill," (citing *Delfosse v. Crawshaw*, 3 Dan. Prac. 166; *Sadler v. Lovatt*, 1 Moll. 162; *Strickland v. Strickland*, 7 Jur. 32); "if however (p. 11) the correction of the error in the original bill is such as, if stated, would change the issue raised by the original bill and make a new one, it cannot, properly speaking, be called supplemental to the original bill, because it is on the contrary subversive of it. It would therefore in fact be no addition to the original matter, although it might be an amend-

ment of it. Its nature therefore is such as prevents its being brought forward by supplemental bill." (*Cleclough v. Evans*, 4 Sim. 76; and 10 Sim. 239).

Mr. White discusses also ably, though perhaps rather too concisely, the form of a supplemental bill, and of a supplemental bill in the nature of a bill of revivor, (pp. 23 and 134); and the most doubtful question, how far and when the 49th Order of 1841 renders it unnecessary or improper to set forth in a supplemental bill the statements of the original bill, citing *Anderson v. Wallis*, (6 Jur. 907); *Ong v. Truelock*, (2 Moll. 31); *Daniell's Observations on the New Orders*, p. 97; and *Woods v. Woods*, referred to above. On this point there is a very late case, which we believe is not any where reported, and of which a note may be not unacceptable to the profession. (*Beard v. Claudet*, heard the 11th June, 1842, before Vice-Chancellor Knight Bruce). In that case the original bill, filed on the 6th July, 1841, stated a deed of assignment of letters patent from the patentees to one Berry, the assignor of the plaintiff, and that such deed bore date the 23rd June, 1841. And a question in the cause, if this deed had not then existed, would have been, whether it was essential to the title of the plaintiff to the relief sought by the bill. To this bill an answer was put in, and replication filed, and afterwards a supplemental bill was filed, stating that, by mistake, the deed of assignment had been stated to bear date the 23rd June, and that in fact it bore date the 16th July, 1841, which was after the date of the original bill. The supplemental bill restated the whole of the statements of the original bill, as well as the supplemental matter. To a large portion of these re-statements the defendant excepted for impertinence, and the 49th Order of 1841, as well as the decision ascribed, in *Ong v. Truelock*, to Lord Eldon, were urged in support of the exceptions; the defendant's counsel contending, that the bill was in its nature, and on various technical grounds, not necessary to be mentioned here, purely supplemental; that a reference in it to the statements of the original bill would have been sufficient; and therefore that, even if the re-statements were not impertinent before the 49th Order, the case fell within that Order. It was urged for the plaintiff, contra, that if the statements of the original bill were struck out of the supplemental bill, the original bill might be held at the hearing to shew no title, because of the non-existence of the deed in question at the filing of such bill; and the supplemental bill might be held defective, as not shewing the other circumstances on which the right to relief was grounded; that, in fact, it was doubtful whether the original suit was or not wholly defective, and therefore the plaintiff had a right so to frame the further bill, that it might be taken in the alternative, either as purely supplemental, or as an original bill. His Honor the Vice-Chancellor was of opinion that the further bill was not purely supplemental, and that the plaintiff had a right to re-state in it the circumstances of title alleged in the original bill, and overruled the exceptions. This case establishes therefore, that where the supplemental matter is to supply something, the non-existence of which at the filing of the original bill may be held at the hearing fatal to the title shewn by such bill, it is not impertinent to import into the supplemental bill all those other statements of circumstances on which the title to relief was founded in the original bill.

Mr. White has added to his text a small collection of precedents, which, to young draftsmen, will, we doubt not, be very useful. On the whole, we can safely recommend the work on which we have been commenting, to the consideration of the profession, as a practical and carefully-executed book, in which the intricate learning on supplemental pleading is treated so as to render it both readable and useful.

## London Gazette.

TUESDAY, AUGUST 29.

## BANKRUPTS.

**GEORGE THREADGOLD**, Finsbury-circus, and Brunswick-cottage, City-road, builder, Sept. 6 and Aug. 10 at 1, Court of Bankruptcy, London; Off. Ass. Belcher; Sol. Clarke, George-st., Mansion-house.—Fiat dated Aug. 25.

**JAMES PELL**, Oakley-street, Lambeth, Surrey, and Rowley Regis, Staffordshire, and Walbrook, London, soda, salt, and alkali manufacturer, Oct. 10 and 24 at 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Combe, 9, Staple-inn, agent for Mr. W. Fellowes, jun., Dudley.—Fiat dated Aug. 10.

**JOHN JEANS**, Poole, post master, victualler, and innkeeper, Sept. 8 at half-past 12, and Oct. 13 at 11, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Cuvelje & Co., 19, Southampton-buildings, Chancery-lane, London.—Fiat dated Aug. 28.

**WILLIAM TIMMIS**, Longton, Staffordshire, draper, Sept. 9 at half-past 12, and Oct. 7 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Richards & Gillam, Birmingham; Ashurst, Chapside.—Fiat dated Aug. 9.

**THOMAS HEWIT JACKSON**, Sheffield, Yorkshire, glass cutter, Sept. 9 and Oct. 18 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Smith & Wightman, Sheffield; Sudlow, Sons, & Torr, 20, Chancery-lane.—Fiat dated Aug. 24.

**JOHN KNIGHT**, Preston and Lancaster, Lancashire, merchant and draper, Sept. 13 and Oct. 2 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Wethington, Manchester; R. M. & C. Baxter, 48, Lincoln's-inn-fields.—Fiat dated Aug. 21.

## MEETINGS.

*Re J. Thorold*, Harmston, Lincolnshire, and Harleaden-pyke, Wilsden, Middlesex, Esq., dealer and chapman, Sept. 1 at 12, Court of Bankruptcy, London, last ex.—*Wm. Green*, Cheltenham, Gloucestershire, coach maker, Sept. 22 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*Jas. Twiss*, Manchester, power-loom cloth manufacturer, Sept. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Sept. 2 at 12, div.—*John Bent*, Dudley, Worcestershire, grocer, Sept. 21 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Sept. 23 at 12, div.—*Wm. Mason*, Boston, Yorkshire, corn dealer, Sept. 22 at 11, District Court of Bankruptcy, Leeds, fin. div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Richard Armfield*, King-street, Cheapside, button manufacturer, Sept. 22 at half-past 1, Court of Bankruptcy, London.—*Nick. Garvie*, Rahere-street, St. Luke's, tailor, Sept. 23 at 11, Court of Bankruptcy, London.—*John Clinch*, King-st., Hammersmith, omnibus proprietor, Sept. 20 at 11, Court of Bankruptcy, London.—*Thos. Bull*, Blythe-marsh, Dilborne, Staffordshire, farmer, Sept. 22 at 11, District Court of Bankruptcy, Birmingham.—*William Heginbottom*, Aston-under-Lyne, Lancashire, cotton spinner, Sept. 26 at 1, District Court of Bankruptcy, Manchester.—*Peter Taylor*, Chorley, Lancashire, cotton spinner, Sept. 21 at 1, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Sept. 19.*

*Henry Alexander Jameson*, North Shields, Northumberland, linen draper.—*Samuel Fowler*, Manchester, corn and flour dealer.—*Henry Thos. Wooler*, Bucklersbury, London, merchant.—*Hugh Panton* and *Thomas William Panton*, Sunderland, Durham, iron manufacturers.—*Abel Crompton*, Manchester, grocer.—*John Van*, Milton next Gravesend, Kent, gold lace manufacturer.—*John N. George*, Upper Berkeley-street, St. Mary-le-bone, bookseller.—*Thomas Halls*, Nettlebed, Oxfordshire, potter.

## SCOTCH SEQUESTRATION.

*John Arnot*, Edinburgh, merchant.

## DECLARATIONS OF INSOLVENCY.

*John Beaumont*, Huddersfield, Yorkshire, grocer.  
*John Jessop*, Huddersfield, Yorkshire, innkeeper.  
*John Walker*, Huddersfield, Yorkshire, cloth finisher.  
*George Baitye*, Burn Lee, Netherthong, Almondbury, Yorkshire, dyer.  
*Wolfe Ansell*, Trevethin, Pontypool, Monmouthshire, dealer in clothes.  
*Andrew Broomhead*, Staly-bridge, Cheshire, builder.  
*Samuel F. Dimond*, Bristol, butcher.  
*Thomas Cook*, Giltspur-street, London, tailor.  
*William N. Baines*, Hucknall Torkard, Nottinghamshire, book-keeper.  
*Walter Hale Walton*, Margate, Kent, professor of dancing.  
*Hamilton Gordon*, South-vile, Wandsworth-road, Surrey, out of business.  
*George Hulme*, Manchester, machine maker.  
*Archibald Dunlop*, Chorlton-upon-Medlock, Manchester, wine and spirit merchant.  
*William George Cranston*, Brook-street, Hammersmith, bricklayer.  
*Wm. L. Webster*, Sheffield, Yorkshire, manufacturer of table cutlery.  
*Richard Gillion*, Lumby-hill, Sherburn, Yorkshire, teazle dealer.  
*Chas. Cooper*, Portmahon, Sheffield, Yorkshire, glass grinder.  
*James Dangerfield*, Bridge-row, Hanover-square, china and glass dealer.  
*Robert Moore Suckling*, Hendon, Middlesex, blacksmith.  
*James Hollingworth*, Meltham, Almondbury, Yorkshire, carpenter.  
*David Crabtree*, Bradford, Yorkshire, retailer of beer.  
*James Shorrocks*, jun., Blackburn, Lancashire, warper to a manufacturer of jaconets.  
*Morris Jobin*, Hulme, Manchester, beer-house keeper.  
*Joseph Beazley*, Liverpool, dealer in toys.  
*Samuel Deakin*, Blaenavon, Llanover, Monmouthshire, mineral agent to the Blaenavon Iron and Coal Company.  
*William Nelson Blackman Harman*, Windsor-terrace, Dover-road, Newington, general dealer in jewellery.  
*Richard Bailey*, jun., Old Furnace, East Dean, Gloucestershire, haller.

## INSOLVENT DEBTORS.

*Saturday, Aug. 26.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*James Burrell*, Bath, victualler, No. 61,409 C.; *Oliver Andrews*, new assignee, in the room of Ridginal Tavener, removed.—*Geo. Hen. Bell*, Alderley, near Congleton, Cheshire, corn dealer, No. 63,427 C.; *Richard Bryant*, jun., assignee.—*Francis Bryant*, Rushey-green, Lewisham, Kent, omnibus driver, No. 55,519 T.; *Duncan Anderson*, assignee.—*Henry Patience*, Southampton, pork butcher, No. 63,589 C.; *Robert Snook*, assignee.—*Rob. Patten*, Bridport, Dorsetshire, brewer, No. 62,961 C.; *John Foot*, assignee.—*Rob. Buist*, 105, York-road, Waterloo-road, Lambeth, Surrey, dentist, No. 54,369 T.; *John Lenton*, assignee.—*Thos. Clowes*, 14, Nutford-place, Edgeware-road, Middlesex, upholsterer, No. 55,454 T.; *Alfred Job*, assignee.—*John Raven*, Pakefield, Suffolk, farmer, No. 58,683 C.; *William Rix Seago*, assignee.

## MEETING.

*Richard Hacking*, Bedlam-bridge, within Lower Darwen, near Blackburn, Lancashire, stone mason, Sept. 15 at 12, Ainsworth & Sons, Blackburn.

FRIDAY, SEPTEMBER 1.

## INSOLVENT.

**PETER PAUL RUBENS WOOLLEY**, Winchester, innkeeper.

## BANKRUPTS.

**JOHN ALLEN**, Alfreton, Derbyshire, innkeeper and farmer, Sept. 13 and Oct. 5 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Jessop, Alfreton; Stevens & Co., 6, Queen-street, Cheapside, London.—Fiat dated Aug. 22.

**JOHN ELLIOTT**, Chichester, Sussex, builder, Sept. 11 at 2, and Oct. 3 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Standish & Long, Ben-verie-street, Fleet-street.—Fiat dated Aug. 29.

**JOSEPH BARROW MONTEFIORE**, Nicholas-lane, London, merchant, Sept. 13 and Oct. 24 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Wilde & Co. College-hill.—Fiat dated Aug. 28.

**ALBERT BAKER** and **GEORGE LOCKWOOD**, New-road, zinc manufacturers, Sept. 13 at 12, Oct. 10 at half-past 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Pain & Hatherly, Great Marlborough-street.—Fiat dated Aug. 22.

**HORATIO HUNTLEY HOSKINS**, John-street, Bedford-row, lodging-house keeper, Sept. 8 at 11, and Oct. 13 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Hook, Tokenhouse-yard.—Fiat dated Aug. 29.

**THOMAS MYLAM MORTON**, Bishopsgate-st. Within, London, eating-house keeper, Sept. 13 and Oct. 16 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Pontifex & Moginie, St. Andrew's-court, Holborn.—Fiat dated Aug. 25.

**JAMES PICKFORD**, Hazle-grove, Cheshire, plumber and glazier, Sept. 20 and Oct. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Clays & Co., Manchester; Gregory, Bedford-row.—Fiat dated Aug. 25.

**JOSEPH JOHN MONK MASON SCOTT**, Liverpool, merchant, Sept. 9 at 12, and Oct. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Archer, Liverpool; Clinton & Co., 7, Chancery-lane, London.—Fiat dated Aug. 24.

**THOMAS HITCHCOCK**, Alrewas, Staffordshire, worsted manufacturer, Sept. 12 at half-past 1, and Oct. 10 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Brown & Palmer, Leicester; Arnold & Co., Birmingham.—Fiat dated Aug. 16.

**GEORGE PARSONS**, Long Sutton, Lincolnshire, surgeon and apothecary, Sept. 14 and Oct. 10 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Moscop, Long Sutton; Hare, Birmingham.—Fiat dated July 20.

**JOHN LYTHGOE**, Liverpool, cooper, Sept. 15 and Oct. 18 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Marshall, Liverpool; Vincent & Co., Temple, London.—Fiat dated Aug. 29.

#### MEETINGS.

*Thos. Kendrick*, Oxford-street, horse dealer, Sept. 14 at 11, Court of Bankruptcy, London, last ex.—*John Dewe* and *R. Dewe*, Oxford, booksellers, Sept. 14 at 10, Court of Bankruptcy, London, last ex.—*Ed. Hardley*, Exeter, china dealer, Sept. 13 at 1, District Court of Bankruptcy, Exeter, last ex.—*Wm. E. Ponten*, Ludgate-hill, London, chemist, Sept. 22 at half-past 2, Court of Bankruptcy, London, aud. ac.—*John How*, Oxford, ironmonger, Sept. 29 at 12, Court of Bankruptcy, London, aud. ac.—*James Richards*, Oxford-street, Hanover-square, livery-stable keeper, Sept. 22 at 11, Court of Bankruptcy, London, aud. ac.; Sept. 28 at half-past 11, div.—*J. Stevens* and *Robert H. Wm. Drummond*, Rhodeswell-wharf, Mile-end, road contractors, Sept. 16 at half-past 1, Court of Bankruptcy, London, aud. ac.; Sept. 22 at half-past 11, div. sep. est. *J. Stevens*.—*Chas. Christelow*, York, woollen draper, Oct. 3 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Oct. 5 at 11, fin. div.—*Thos. Fisher*, Selby, Yorkshire, linen draper, Oct. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Oct. 13 at 11, div.—*James Brooksbank*, Dudley, Worcestershire, mercer, Sept. 25 at 1, District Court of Bankruptcy, Manchester, aud. ac.; Sept. 26 at 1, fin. div.—*Jas. Gundry* and *Wm. Gundry*, Goldsmithney, Cornwall, merchants, Sept. 27 at 1, District Court of Bankruptcy, Exeter, aud. ac.—*Wm. Pugh*, Gloucester, auctioneer, Sept. 26 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Jos. Gallop jun.*, Westminster, Bristol, painter, Sept. 26 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*James Trengaskes*, Bristol, victualler, Sept. 25 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*George Sadler*, Cheltenham, Gloucestershire, linen draper, Sept. 26 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*Henry Thompson*, Bristol, saddler, Sept. 25 at 12, District Court of Bankruptcy, Bristol, aud. ac.—*Thos. Thomas*, Leintwardine, Herefordshire, miller, Sept. 28 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Jos. Dickes*, Wollerton, Hodnet, Shropshire, wool-

stapler, Sept. 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Ann Giddins* and *Johs Cartier*, Shrewsbury, Shropshire, ironmongers, Sept. 26 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*John Brew*, Evesham, Worcestershire, plumber, Sept. 28 at half-past 1, District Court of Bankruptcy, Birmingham, aud. ac.—*L. Bennett*, Shiffnal, Shropshire, chemist, Sept. 26 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—*Abel Ford Belaire*, Stamford, Lincolnshire, and *James Ba Derby*, bankers, Oct. 3 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on Day of Meeting.*

*Thos. Miller*, Green-street, Leicester-sq., baker, Sep at half-past 12, Court of Bankruptcy, London.—*S. Ne Upper Stamford-st.*, Blackfriars, Surrey, general dealer, 30 at 11, Court of Bankruptcy, London.—*John Brown*, verpool, broker, Sept. 25 at 12, District Court of Bankruptcy, Liverpool.—*Edw. Hopkins*, Egremont, Cheshire, coal dealer, Sept. 25 at 11, District Court of Bankruptcy, Liverpool.—*Oram*, Chard, Somersetshire, lace manufacturer, Sept. 21, District Court of Bankruptcy, Exeter.—*Geo. Hewitt*, *Geo. Hewlett*, Manchester, woollen drapers, Sept. 27 at District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, on Cause be shown to the contrary on or before Sept. 22.*

*J. M. Corthorn*, March, Isle of Ely, Cambridge, sheep man.—*Jos. Silk*, Kidderminster, Worcestershire, carpet manufacturer.—*Frad. Markey*, Peterborough, Northamptonshire brewer.—*Wm. North*, Bath, Somersetshire, innkeeper.—*A Carter*, Custom-house-chambers, Lower Thames-street, insurance broker.—*Jos. Rowe*, Blandford-street, St. Marybone, ironmonger.—*John Joseph D. Deneulin*, Leicester hotel keeper.—*Dan. G. Gordon*, Mortimer-street, Cavendish square, merchant.—*Wm. Deneulin*, Bath, Somersetshire, tail.—*John L. Foster*, Jewry-st., Aldgate, coach maker.

#### FIAT SUPERSEDED.

*Wm. Thos. Sumpter*, Brudenell-place, New North-st. statutory and mason.

#### PARTNERSHIP DISSOLVED.

*Etijah Litchfield* and *Chas. S. Owen*, Chancery-lane, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATION.

*Wm. Donaldson Sellar*, Peterhead, merchant.

#### DECLARATIONS OF INSOLVENCY.

*Thomas Downward*, Liverpool, tailor.  
*Joseph Fletcher*, Thorne, Yorkshire, butcher.  
*Wm. Sherlock*, Stalybridge, Dukinfield, Stockport, Cheshire mechanic.  
*John Frith*, Eccleashill, near Bradford, Dewsbury, Yorkshire plasterer.  
*George Soane*, Charendon-square, Middlesex, dramatic author.  
*George Dyer Rose*, Duke-st., West Smithfield, plumber.  
*John Smith*, Dudley, Worcestershire, retailer of beer.  
*William Jennings*, Surrey-place, Walworth-road, Newington Surrey, coal dealer.  
*Sarah Eliza Scott*, York, milliner's assistant.  
*Wm. Henry Hoggarth*, Woolwich, Kent, grocer.  
*Wm. Wyatt*, North-road, Irmsa-o'-th'-Height, near Pendleton, Eccles, Lancashire, butcher.  
*Robinson Aylton*, Frith-street, Soho, consulting surgeon.  
*Wm. D. Hughes*, Rufford's-buildings, Islington, plasterer.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, Sept. 23 at 9.*

*Wm. Ward*, Kingston, Surrey, out of business.—*William Grigg*, Noel-street, Wardour-street, Soho, out of business.—*M. O'Keefe*, Edward-street, Dorset-square, servant to a retail dealer in beer.—*J. N. Bowke*, Bow-common, Mile-end, clerk to the Metropolitan Wood Paving Company.—*Robt. Bunting*, Seckford-street, Clerkenwell, lapidary.—*Benj. Merryman*, St. Mary-at-hill, Billingsgate, butcher.—*James Meeks*, High-st., Kensington-road, patrol.—*John G. Sappers*, Skinner-street, Clerkenwell, leather embosser.—*Wm. Wynne*, Sylvan-grove, Old Kent-road, out of business.—*Charles Davidson*, Harwood-street, Camden-town, out of business.—*John Hannell*,

Mining-lane, Fenchurch-street, steel mill and gun manufacturer.—*Elijah Haggas*, Long Ditton, near Kingston-upon-Thames, Surrey, dealer in coals.—*Thomas Woolcott*, Raw-stone-street, and John-street, Clerkenwell, carpenter.—*Geo. Meggs*, Nassau-place, Commercial-road East, out of business.—*T. S. H. Jenner*, Dover-place West, Old Kent-road, Surrey, boot maker.—*Newman Croxford*, King-street, Hammer-smith, baker.—*Wm. Everitt*, Rotherhithe-street, Rotherhithe, Lightermen.—*Wm. Backus*, St. John-street-road, tailor.—*H. W. Forcades*, Upper Stamford-street, Lambeth, clerk in the Title Commission Office.—*Edw. Hillman*, Bridge-road, Lambeth, carver and gilder.

## Adjourned.

*John White*, Dorking, Surrey, painter.

## INSOLVENT DEBTORS' DIVIDENDS.

*Jas. Walters*, Reading, Berkshire, baker, Sept. 4, Maugh-  
am & Kennedy's, 100, Chancery-lane: 1s. 4d. in the pound.  
—*David White*, Oldbury, Shropshire, licensed victualler, Sept.  
4, Collins's, Oldbury: 9d. in the pound.—*Saml. Faughan*,  
Butcher-row, Ratcliffe-cross, clerk in her Majesty's Customs,  
Sept. 8, Nutting's, Noble-street, Cheapside: 4s. 4d. in the  
pound.

## MEETINGS.

*Robert Mould*, South Shields, Durham, ship owner, Sept.  
13 at 3, at Carnaby's, South Shields, sp. aff.—*Wm. Beilby*  
jun., Beverley, Yorkshire, butcher, Sept. 16 at 11, Tiger Inn,  
Beverley, sp. aff.

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# The Jurist

No. 348.

LONDON, SEPTEMBER 9, 1843.

PRICE 1s.

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LONDON, SEPTEMBER 9, 1843.

As the time approaches for the discussion, in the registration courts, of the qualifications of voters, we will shortly recall the attention of our readers to some of the alterations made in the law by the 6 Vict. c. 18, noticed ante, p. 205. One of the most important is the right given of appealing from the decision of the Revising Barrister to the Court of Common Pleas. The mode in which the right of appeal is to be exercised, is this: the party dissatisfied is, by himself, or by his agent, to give to the Barrister in court, and before the rising of the court, on the same day on which the decision shall have been pronounced, a notice in writing, that he is desirous to appeal. And the Barrister *thereupon*, if he allows the appeal to be heard, is to state in writing the facts of the case, and his decision; and to read the statement in open court to the appellant; and then and there to sign it. The appellant then writes at the foot of the statement, under his hand, "I appeal from this decision." The Barrister is then to indorse it with the name of the county and polling district, or city and borough, and of the parish or township, and the christian and surnames of both appellant and respondent, and sign and date the indorsement; and the statement being then delivered to the appellant, is complete. A copy is to be delivered to the respondent, if he requires it.

On this subject it is suggested by a learned writer, who has lately put forth a second edition of a very full and useful treatise on the Law of Election\*, that "it will, no doubt, in many cases, be found very inconvenient to delay the general business of the court of Revision, whilst the Barrister is preparing, from his notes, a statement of the facts on which an appeal is allowed.

He may also wish to ascertain whether the same point is likely to arise in other cases, and to consolidate several appeals." In such cases, it is submitted by the learned author, that "the most convenient course will be to adjourn the statement of the case till after the conclusion of the other business; or, if necessary, to adjourn the court to some future day, and to require the attendance of the parties at the time and place to which the court is so adjourned."—Elliott, p. 351.

We quite concur with the learned writer in the first part of his observations; for it is, we think, extremely probable, that, on many occasions, notices of appeal will be poured in upon the Barrister almost as quickly as his decisions are pronounced. We concur with him also in thinking, that it would be a convenient plan for the Barrister to defer the preparation of the appeal statements till after the ordinary business of the day; but we doubt the prudence of the recommendation to adjourn the court to a future day.

It will be observed, that the 42nd clause of the Act requires the appellant to give to the Barrister "in court, before the rising of the said court, on the same day on which such decision shall have been pronounced, a notice in writing &c. &c. And the said Barrister *thereupon*, if he thinks it reasonable and proper &c. &c., shall state in writing the facts &c. &c." It appears to us questionable, whether the construction of this clause is not, that the statement of the Barrister, and the acts to be done by him in reference to it, are to be made and done, not merely at the same court at which the notice of appeal is given, but on the same day on which the decision appealed from is pronounced. It is true, that, by sect. 41, the Barrister has the power of adjourning his court, but that must be understood only so far as such adjournment is not inconsistent with the provisions of other clauses. It will not be contended, we should think, that a party dissatisfied with a decision made on the 1st October could, under the 42nd

\* A Practical Treatise on the Qualifications and Registration of Parliamentary Electors, &c. By G. P. Elliott, Esq. Barrister. London: Sweet, 1843.

clause, give his *notice of appeal* at an adjourned court, held on the 2nd, since he is bound to give it, not only before the rising of the court, but on the *same day* on which the decision is pronounced. The question then is, what is the effect on the power of the Barrister of the word *thereupon*? Either it must be intended to give to the Barrister the power of deferring at his discretion the period when he will make his statement, or to confine him to make it on the same day on which the notice is given. There seems nothing in the language of the clause, pointing to any limited power of adjourning the court for the purpose of making the statement, which would not equally sanction the supposition, that the statement may be made at any other court holden at any time in the same polling district. It appears to us, therefore, that a serious question may arise, whether, if the Barrister's statement be not made at the same court, and on the same day as the notice of appeal, the appeal will be regular; and we should think the most convenient and prudent course will be for the Barrister to hear the regular business till some certain hour, and to sit for a certain further time at each court for the purpose only of receiving notices of appeal, and preparing the corresponding statements of the cases.

With regard to the new power given to the Barristers of inflicting costs, we find that the view advocated by us in our former observations on this subject, is also adopted by the learned writer to whose work we have already referred, viz. that the intention of the act is not to give to the Barrister power to inflict costs merely on the ground of the party failing to *sustain* his claim or objection, provided it be made *bonâ fide* and after due inquiry, and not vexatiously. (See Elliott, p. 361). "So also," the same writer judiciously observes, "it is conceived, that, in a case where the Barrister might think there was originally some apparent ground for making a claim or objection, yet if, after the matter has once been decided, he finds the party year after year renewing the claim or objection, he might think his conduct vexatious, and mulct him with costs."

There can be clearly no appeal under the 42nd section merely for costs, and, therefore, the party resisting an order for costs must address himself entirely to press his arguments on the judicial mind of the Barrister. And we would suggest to those of our readers whose duty may take them as advocates into the Revision Courts, that the true inquiry in each case under the 46th section will be, whether the defeated claim or objection was either within the actual knowledge of the party unfounded, or upon the face of it so wild as to be untenable. Wherever there is failure in establishing a claim or objection, and the animus of vexation is proved, it is quite clear that an order for costs will be unsuccessfully resisted; and wherever there is on the face of it that ultra rashness and inconsiderate haste in the suggestion of a claim or objection, that affords a fair and strong inference of a vexatious intent, it may be expected that the Barrister will require strong evidence of a contrary actual animus to induce him not to award costs.

Before concluding, we will advert to two more points: the first is an error which appears inadvertently to have crept into a book which, being in other respects good, may for that very reason lead young Revising Barris-

ters (if there be any such) into error\*. In the work mentioned, there is a note on the 30th section, which enacts, that "where two or more Barristers shall be appointed for the same county, riding, parts or division of a county, or for the same city or borough, they may hold separate courts at the same time and place for the dispatch of business, or may hold separate courts at different times and places, as shall be deemed most expedient." On this, the learned editor's note is, "that by the 41st section of the 2 Will. 4, c. 45, where two Barristers were appointed for the same district, they were absolutely required by the words of the act to hold separate courts; it is now left in their discretion whether to do so or not." (Power's Registration Act, &c., p. 27)

With submission, we apprehend, that it is not left to the discretion of the Revising Barristers whether to hold separate courts or not, and that, except for the special purpose of giving a joint judgment on some special case they cannot hold together one court. The discretion that the act gives them is, whether they will hold separate courts at one and the same place and at one and the same time, or whether they will hold separate court in two different places and at two different times. But whichever of these two courses they elect, they must still sit separately for the ordinary dispatch of business.

The next point is, as to the new mode of measuring distances from boroughs. By sect. 76 of 6 Vict. c. 18, it is enacted that "the said distance shall be understood to be the distance of seven miles as measured in a *straight line on the horizontal plane*, from the parish, &c.," provided that where there is or shall be hereafter an ordnance map of the city, or borough, and surrounding country, the distance shall be measured on such map.

When there is an ordnance map, of course no difficulty will arise; when there is not, then, although there is no difficulty as to what the act means, there will be in many cases considerable difficulty in shewing that the mode of measurement adopted falls within it. And in contested cases, we apprehend that, generally speaking, no evidence of any measurement ought to be acted upon by the Barrister, which has not proceeded upon scientific principles, because no other mode of measurement can well establish whether the distance measured is in a *straight line on the horizontal plane*. Evidence of the distance by a road admitted to be in a curved line, being less than seven miles, would of course be evidence that the chord of that curve is less than seven miles. But where the case is, that by such a road, or by a straight road going over hilly ground, the distance is a fraction more than seven miles, it is equally manifest that it would be impossible, without scientific measurement of the increase of length due in either case to the several departures from a straight line, to infer the length of the *straight line in a horizontal plane* connecting the two extreme points, and therefore to decide either for or against the claim would be equally to incur the risk of being in error. We would recommend therefore our professional readers who may be engaged in such cases to be prepared with evidence founded on scientific surveys. Ordinary maps are of course out of the question first, because the act, by expressly adopting the ordnance

\* Power's Registration Act. Sweet, 1845.



maps, tacitly rejects all others; and secondly, because ordinary maps are notoriously so generally inaccurate, that they could not be used without first having evidence of their accuracy.

# PUBLIC GENERAL STATUTES.

6 & 7 VICTORIA.—SESSION 3.

(Continued from p. 293.)

## CAP. XLVIII.

An Act to continue until the 1st day of October, 1844, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

[10th August, 1843.]

## CAP. XLIX.

An Act to reduce the Duty on Spirits in Ireland, and to impose other countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between Ireland, England, and Scotland respectively.

[10th August, 1843.]

## CAP. L.

An Act for carrying into Execution a Treaty signed at London for the Suppression of the Slave Trade, so far as the same relates to Great Britain, Austria, Prussia, and Russia.

[10th August, 1843.]

## CAP. LI.

An Act for carrying into effect the Treaty between her Majesty and the Mexican Republic for the Abolition of the Traffic in Slaves.

[10th August, 1843.]

## CAP. LII.

An Act for carrying into effect the Treaty between her Majesty and the Republic of Chile for the Abolition of the Traffic in Slaves.

[10th August, 1843.]

## CAP. LIII.

An Act for carrying into effect the Treaty between her Majesty and the Queen of Portugal for the Suppression of the Traffic in Slaves.

[10th August, 1843.]

## CAP. LIV.

An Act for extending to Ireland the Provisions not already in force there of an Act of the 3 & 4 Will. 4, intituled "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto, and to explain and amend the said Act."

[10th August, 1843.]

Sect. 1. Provisions of 3 & 4 Will. 4, c. 27, relating to ad-  
wosons, &c., extended to Ireland.

2. Certain words in those provisions to be similarly interpreted.

3. Removing doubts as to the periods limited for bringing  
any quare impedit or other action.

4. Provisions for the cases of Roman Catholic patrons who  
shall hereafter conform.

5. Act not to apply to suits commenced before 1st January,  
1845.

## CAP. LV.

An Act for the Amendment of the Proceedings and Practice of  
the Equity Side of the Court of Exchequer in Ireland.

[10th August, 1843.]

## CAP. LVI.

An Act for the better Collection of Fines, Penalties, Issues,  
Deadends, Amerciaments, and forfeited Recognisances in  
Ireland, and for the Appropriation thereof.

[17th August, 1843.]

## CAP. LVII.

An Act to relieve Bishops succeeding to Bishoprics by Opera-  
tion of the Act to alter and amend the Laws relating to the  
Temporalities of the Church in Ireland from certain Li-  
abilities.

[17th August, 1843.]

## CAP. LVIII.

An Act to enable her Majesty to acquire Lands for the En-  
largement of her Majesty's Dock Yards and for other Naval  
Purposes.

[17th August, 1843.]

## CAP. LIX.

An Act to continue until the 1st August, 1844, and, if Parlia-  
ment be then sitting, to the End of the then next Session of  
Parliament, an Act for authorizing the Application of High-  
way Rates to Turnpike Roads.

[17th August, 1843.]

## CAP. LX.

An Act for suspending, until the 1st October, 1844, the Oper-  
ation of the new Arrangement of Dioceses, so far as it af-  
fects the existing Ecclesiastical Jurisdictions.

[17th August, 1843.]

## CAP. LXI.

An Act to remove Doubts respecting the Admission of Minis-  
ters to Benefices in that Part of the United Kingdom called  
Scotland.

[17th August, 1843.]

## CAP. LXII.

An Act to provide for the Performance of the Episcopal Func-  
tions in case of the Incapacity of any Bishop or Archbishop.

[22nd August, 1843.]

## CAP. LXIII.

An Act for granting Relief to the Islands of Antigua, Saint  
Kitts, Nevis, Dominica, and Montserrat.

[22nd August, 1843.]

## CAP. LXIV.

An Act for carrying into effect an Agreement between the  
Commissioners of her Majesty's Woods and the Earl of  
Haddington, for the Purchase and Surrender of the Office of  
Hereditary Keeper of the Royal Park of Holyrood House;  
and for other Purposes relating thereto.

[22nd August, 1843.]

## CAP. LXV.

An Act to amend the Laws relating to the Copyright of De-  
signs

[22nd August, 1843.]

- Sect. 1. Commencement of Act.
2. Grant of Copyright. Proviso.
3. Conditions of Copyright.
4. Penalty for wrongfully using Marks denoting a re-  
gistered Design.
5. Floor or Oil Cloths included in Class Six.
6. Certain Provisions of 5 & 6 Vict. c. 100, to apply to  
this Act.
7. Appointment of Registrar &c.
8. Registrar's Duties. Drawings.
9. Discretionary Power as to Registry vested in the  
Registrar. Proviso.
10. Inspection of Index of Titles of Design &c.
11. Interpretation of Act.
12. Alteration of Act.

Sect. 1. Whereas by an act passed in the 5 & 6 Vict. [c. 100], intituled "An Act to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture," there was granted to the proprietor of any new and original design, with the exceptions therein mentioned, the sole right to apply the same to the ornamenting of any article of manufacture or any such substance as therein described during the respective periods therein mentioned: And whereas it is expedient to extend the protection afforded by the said act to such designs hereinafter mentioned, not being of an ornamental character, as are not included therein: Be it therefore enacted &c., that this act shall come into operation on the 1st September, 1843.

2. And with regard to any new or original design for any article of manufacture having reference to some purpose of utility, so far as such design shall be for the shape or configuration of such article, and that whether it be for the whole of such shape or configuration, or only for a part thereof, be it enacted, That the proprietor of such design not previously published within the United Kingdom of Great Britain and Ireland or elsewhere shall have the sole right to apply such design to any article, or make or sell any article according to such design, for the term of three years, to be computed from the time of such design being registered according to this act: Provided always, that this enactment shall not extend to such designs as are within the provisions of the said act, or of two other acts passed respectively in the 38 Geo. 3, [c. 71], and 54 Geo. 3, [c. 56], and intituled respectively "An Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned," and "An Act to amend and render more effectual an Act for encouraging the Art of making new Models and Casts of Busts, and other Things therein mentioned."

3. That no person shall be entitled to the benefit of this act, unless such design have before publication thereof been registered according to this act, and unless the name of such person shall be registered according to this act as a proprietor of such

design, and unless after publication of such design every article of manufacture made by him according to such design, or on which such design is used, hath thereon the word "registered," with the date of registration.

4. That unless a design applied to any article of manufacture be registered either as aforesaid or according to the provisions of the said first-mentioned act, and also after the copyright of such design shall have expired, it shall be unlawful to put on any such article the word "registered," or to advertise the same for sale as a registered article; and if any person shall so unlawfully publish, sell, or expose or advertise for sale any such article of manufacture, he shall forfeit for every such offence a sum not exceeding 5*l.* nor less than 1*l.*, which may be recovered by any person proceeding for the same by any of the remedies hereby given for the recovery of penalties for pirating any such design.

5. That all such articles of manufacture as are commonly known by the name of floor cloths or oil cloths shall henceforth be considered as included in class six in the said first-mentioned act in that behalf mentioned, and be registered accordingly.

6. That all and every the clauses and provisions contained in the said first-mentioned act, so far as they are not repugnant to the provisions contained in this act, relating respectively to the explanation of the term proprietor, to the transfer of designs, to the piracy of designs, to the mode of recovering penalties, to actions for damages, to cancelling and amending registrations, to the limitation of actions, to the awarding of costs, to the certificate of registration, to the fixing and application of fees of registration, and to the penalty for extortion, shall be applied and extended to this present act as fully and effectually, and to all intents and purposes, as if the said several clauses and provisions had been particularly repeated and re-enacted in the body of this act.

7. That so much of the said first-mentioned act as relates to the appointment of a registrar of designs for ornamenting articles of manufacture, and other officers, as well as to the fixing of the salaries for the payment of the same, shall be and the same is hereby repealed; and for the purpose of carrying into effect the provisions as well of this act as of the said first-mentioned act, the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations may appoint a person to be registrar of designs for articles of manufacture, and, if the Lords of the said Committee see fit, an assistant registrar and other necessary officers and servants; and such registrar, assistant registrar, officers, and servants shall hold their offices during the pleasure of the Lords of the said Committee; and such registrar shall have a seal of office; and the commissioners of her Majesty's treasury may from time to time fix the salary or other remuneration of such registrar, assistant registrar, and other officers and servants; and all the provisions contained in the said first-mentioned act, and not hereby repealed, relating to the registrar, deputy registrar, clerks, and other officers and servants thereby appointed and therein named, shall be construed and held to apply respectively to the registrar, assistant registrar, and other officers and servants to be appointed under this act.

8. That the said registrar shall not register any design for the shape or configuration of any article of manufacture as aforesaid unless he be furnished with two exactly similar drawings or prints of such design, with such description in writing as may be necessary to render the same intelligible according to the judgment of the said registrar, together with the title of the said design, and the name of every person who shall claim to be proprietor, or of the style or title of the firm under which such proprietor may be trading, with his place of abode, or place of carrying on business, or other place of address; and every such drawing or print, together with the title and description of such design, and the name and address of the proprietor aforesaid, shall be on one sheet of paper or parchment, and on the same side thereof; and the size of the said sheet shall not exceed twenty-four inches by fifteen inches; and there shall be left on one of the said sheets a blank space on the same side on which are the said drawings, title, description, name, and address, of the size of six inches by four inches, for the certificate herein mentioned; and the said drawings or prints shall be made on a proper geometric scale; and the said description shall set forth such part or parts of the said design (if any) as shall not be new or original: and the said registrar shall register all such drawings or prints from time to time as

they are received by him for that purpose; and on every such drawing or print he shall affix a number corresponding to the order of succession in the register, and he shall retain a drawing or print which he shall file at his office, and the other he shall return to the person by whom the same has been forwarded to him; and in order to give a ready access to the designs so registered he shall keep a proper index of the title thereof.

9. That if any design be brought to the said registrar registered under the said first-mentioned act, and it shall appear to him that the same ought to be registered under the present act, it shall be lawful for the said registrar to refuse to register such design otherwise than under the present act in the manner hereby provided; and if it shall appear to the said registrar that the design brought to be registered under the said first-mentioned act or this act is not intended to be applied to any article of manufacture, but only to some label, wrapper or other covering in which such article might be exposed to sale, or that such design is contrary to public morality or order, it shall be lawful for the said registrar, in his discretion, to refuse to register such design; Provided always, that the Lords of the said Committee of Privy Council may, on representation made to them by the proprietor of any design wholly refused to be registered as aforesaid, if they shall see fit, direct the said registrar to register such design, whereupon and in such case the said registrar shall be and is hereby required to register the same accordingly.

10. That every person shall be at liberty to inspect the index of the titles of the designs, not being ornamental designs, registered under this act, and to take copies from the same, paying only such fees as shall be appointed by virtue of this act in that behalf; and every person shall be at liberty to inspect any such design, and to take copies thereof, paying such fee as aforesaid; but no design whereof the copyright shall not have expired shall be open to inspection, except in the presence of such registrar, or in the presence of some person holding an appointment under this act, and not so as to take a copy of such design, nor without paying such fee as aforesaid.

11. And, for the interpretation of this act, be it enacted That the following terms and expressions, so far as they are repugnant to the context of this act, shall be construed as follows; (that is to say), the expression "Commissioners of the Treasury" shall mean the lord high treasurer for the time being, or the commissioners of her Majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them; and the singular number shall include the plural as well as the singular number, and the masculine gender shall include the feminine gender as well as the masculine gender.

12. That this act may be amended or repealed by any act be passed in the present session of Parliament.

#### CAP. LXVI.

An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney confess Judgment. [22nd August, 1843.]

Whereas an act was passed in the session of 3 Geo. 4, [39,] intitled "An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment," which, among other things, it was enacted, that the clerk of the dockets and judgments in his said late Majesty's Court King's Bench should cause every warrant of attorney and cognovit actionem in any personal action, and every copy thereof which in and by the said recited act are directed to be filed in his said office, to be numbered, and should keep a book of books in his said office in which he should cause to be entered the particulars in the said act set forth, according to the form contained in the schedule to the said act annexed which said book or books, and every warrant of attorney or cognovit actionem, or copy thereof, filed in the said office should be searched and viewed by all persons at all seasonal times, paying to the officer for every search against one person the sum of 6*d.*, and no more: And whereas it is expedient that greater facilities should be given to persons in searching such book or books and obtaining the information contained therein, and that the provisions of the said act should be enlarged: May it therefore please your Majesty that it may be enacted; and be it enacted, &c., That from and immediately after the passing of this act the said officer of the said Court

Queen's Bench shall, in addition to the book in and by the above-recited act directed to be kept by him, keep another book or index, in which he shall cause to be fairly inserted, as and when such warrants of attorney or cognovits actionem are filed in manner as directed by the said act, the names, additions, and descriptions of the respective defendants or persons giving such warrants of attorney or cognovits actionem, but containing no further particulars thereof; which book or index all persons shall be permitted to search for themselves, paying to the officer for such search the sum of 1s., such payment being in addition to the payment of 6d. provided by the said act to be paid for every search against one person in the book or books provided to be kept under the authority of the said act.

(To be continued).

## London Gazette.

TUESDAY, SEPTEMBER 5.

INSOLVENT.

WILLIAM WELCH, Lancaster, timber merchant.

BANKRUPTS.

SAMUEL HAYNES ANGLIER, Philpot-lane, London, bookseller, newspaper proprietor, and publisher, Sept. 12 at half-past 10, and Oct. 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Maples & Co., 6, Frederick's-place, Old Jewry.—Fiat dated Aug. 30.

BENJAMIN BACON, Anchor-street, Shoreditch, silk manufacturer, Sept. 12 at 1, and Oct. 17 at half-past 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Hudson, Backlersbury.—Fiat dated Sept. 4.

GEORGE HENRY BUSH, Edgeware-road, Mary-le-bone, upholsterer, Sept. 12 at 12, and Oct. 17 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Pain & Hatherly, Great Marlborough-street.—Fiat dated Aug. 25.

THOMAS GINN jun., Chilton, Suffolk, maltster and merchant, Sept. 25 at 11, and Oct. 17 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Raimondi & Co., Gray's-inn.—Fiat dated Aug. 25.

THOMAS MOLINEUX, Manchester, silk manufacturer, Sept. 14 and Oct. 6 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Allen, Manchester; Willis & Co., Tokenhouse-yard, London.—Fiat dated Aug. 28.

GEORGE TAYLOR, Moreton in the Marsh, Gloucestershire, mercer and draper, Sept. 19 and Oct. 17 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Wilkins & Co., Bourton on the Water.—Fiat dated Aug. 29.

RICHARD HODGSON, Sunderland, Durham, tea dealer and grocer, Sept. 26 and Oct. 23 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Hill & Mathews, 1, Bury-court, St. Mary-axe.—Fiat dated Aug. 29.

HENRY BOURNE JONES, Birkenhead, Cheshire, plumber and glazier and paper hanger, Sept. 15 at half-past 12, and Oct. 10 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Greatley, Liverpool; Wilkinson, 44, Lincoln's-inn-fields.—Fiat dated Aug. 25.

ALFRED CAMPBELL COOPER, Evesham, Worcestershire, draper and mercer, Sept. 14 at half-past 12, and Oct. 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Underhill, Birmingham; Parker, St. Paul's Church-yard, London.—Fiat dated Aug. 22.

NICHOLAS MORRELL, Bradford, Yorkshire, provision and flour dealer, Oct. 13 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Tolson, Bradford; Blackburn, Leeds.—Fiat dated Aug. 29.

JEFFREY FALKINGHAM, Bradford, Yorkshire, bacon factor, Oct. 13 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Butterfield & Pickup, Bradford; Blackburn, Leeds.—Fiat dated Aug. 28.

EDWARD THORNEYCROFT jun. and GEORGE THORNEYCROFT jun., Wolverhampton, Staffordshire, iron manufacturers, Sept. 19 at half-past 12, and Oct. 21 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Ward & Co., Newcastle-under-Lyme.—Fiat dated Aug. 22.

JOHN BUMBY, Malton, Yorkshire, hatter, Oct. 13 and 30 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Higginbottom & Brooks, Ashton-under-Lyne; Blackburn, Leeds; Clarke & Co., 20, Lincoln's-inn-fields, London.—Fiat dated Aug. 29.

## MEETINGS.

John Pool, Morice-town, near Devonport, Stoke Damarel, Devonshire, brewer, Sept. 28 at 12, District Court of Bankruptcy, Exeter, last ex.—James Gibbs, Jermyn-street, Westminster, bill broker, Sept. 29 at 11, Court of Bankruptcy, London, last ex.—John Thos. Nash and John Tomlinson jun., York, mustard manufacturers, Sept. 26 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Sept. 28 at 11, div. sep. est. John Thos. Nash.—Chas. Robson, Shotley-bridge, Durham, miller, Sept. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Sept. 27 at 12, div.—Thomas Smith, Newcastle-upon-Tyne, grocer, Sept. 26 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Sept. 28 at 12, fin. div.—George Guilford, North Shields, Northumberland, ship owner, Sept. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Sept. 29 at 11, fin. div.—W. Densum, Bath, Somersetshire, tailor, Sept. 29 at 11, Court of Bankruptcy, London, aud. ac.; Oct. 3 at 11, div.—D. W. Acraman, Wm. E. Acraman, A. J. Acraman, Wm. Morgan, Thomas Holroyd, and James Norrway Franklyn, Bristol, ship builders, Sept. 27 at 11, District Court of Bankruptcy, Bristol, aud. ac. sep. est. J. N. Franklyn.—Abel W. Bellairs, Stamford, Lincolnshire, and James Bellairs, Derby, bankers, Oct. 3 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—Edward Hemming, Astwood-bank, Feckenham, Worcestershire, needle manufacturer, Oct. 5 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 7 at half-past 11, div.—John Lloyd Dobson, Kidderminster, Worcestershire, carpet manufacturer, Sept. 30 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; Oct. 14 at 11, div.—Wm. E. Ponten, Ludgate-hill, London, chemist, Sept. 29 at half-past 11, Court of Bankruptcy, London, div.—Edward Smith, Bishopwearmouth, Durham, merchant, Sept. 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—John Nottingham, Cheltenham, Gloucestershire, picture dealer, Oct. 3 at 2, District Court of Bankruptcy, Bristol, fin. div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Wm. Joseph Roome, Sheffield, Yorkshire, steel merchant, Sept. 30 at 12, Court of Bankruptcy, London.—John Higgs, Watling-street, London, cheese factor, Sept. 30 at 11, Court of Bankruptcy, London.—J. D. Stewart, Skinner-st., Bishopsgate, London, brewer, Sept. 29 at 2, Court of Bankruptcy, London.—Wm. D. Hart, Ballingdon, Essex, tailor, Sept. 27 at 11, Court of Bankruptcy, London.—Chas. Cooper and Thomas Cooper, Strood, Kent, fellmongers, Sept. 27 at 11, Court of Bankruptcy, London.—Joseph Butt and Edward Butt, Mortimer-street, Middlesex, linen drapers, Sept. 27 at 11, Court of Bankruptcy, London.—Thomas Bell jun., Newcastle-upon-Tyne, cheese factor, Sept. 26 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—Thomas Smith, Newcastle-upon-Tyne, grocer, Sept. 28 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—Chas. Beasley, Birmingham, draper, Oct. 3 at 12, District Court of Bankruptcy, Birmingham.—John L. Bennett, Shifnal, Shropshire, druggist, Sept. 28 at 12, District Court of Bankruptcy, Birmingham.—John L. Dobson, Kidderminster, Worcestershire, carpet manufacturer, Sept. 30 at 1, District Court of Bankruptcy, Birmingham.—John B. Robinson and Wm. Robinson, Macclesfield, Cheshire, ironmongers, Sept. 28 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 26.

Evam Lyeonah, Cardiff, Glamorganshire, auctioneer.—John Mee, Wellingborough, Northamptonshire, baker.—R. Bull, Cambridge, saddler.—Adam Howie, Lambeg, Downshire, bleacher.—John Bentham, Sunderland, Durham, grocer.—Wm. Adamson, Hexham, Northumberland, butcher.—Thos. Dickson, Thirsk, Yorkshire, linen draper.—William Cooke, Bradford, Yorkshire, worsted spinner.—Isaiah Ward, Devizes, Wiltshire, house decorator.

## SOURCE SEQUESTRATION.

John Stewart, Leith, merchant.

## DECLARATIONS OF INSOLVENCY.

**Edward Jones**, Gloucester, out of business.  
**Robert Clapham**, Thirsk, Yorkshire, rope maker.  
**Charles Strother**, Liverpool, cab proprietor.  
**George Adsett**, Handsworth, Yorkshire, carriage builder.  
**Henry Adsett**, Handsworth, Yorkshire, carriage builder.  
**John Radcliffe**, Pendleton, near Manchester, out of business.  
**Hugh Owen**, Rhos y Medre, Rhubon, Denbighshire, perpetual curate of Trevor Chapel, near Llangollen.  
**Chas. Salt**, Shelton, Stoke-upon-Trent, Staffordshire, potter.  
**Josiah Beves**, Brighthelmston, Sussex, cabinet maker.  
**Geo. S. Preston**, Manchester, out of business.  
**James Robinson**, Winchmore-hill, Edmonton, butcher.  
**John Wood**, Leeds, Yorkshire, painter.  
**Joseph Pallister**, Leeds, Yorkshire, painter.  
**John Stanley Balls**, Canterbury-street, York-road, Lambeth, comedian.  
**Thomas Weidon**, Shepherd's-bush, Hammersmith, and Holles-street, Oxford-street, tailor.  
**Reuben Barltrop**, Ware, Hertfordshire, coach maker.  
**Wm. Clapham**, Keighley, Yorkshire, bobbin turner.  
**Elizabeth Lea**, Runcorn, Cheshire, spinster, out of business.  
**Henry Wright Wilson**, New Farnham-road, Guildford, Surrey, out of business.  
**Anthony Frith**, Hoxton Old-town, Shoreditch, plumber.  
**James Mc Neir**, South-st., Grosvenor-sq., Hanover-sq., tailor.  
**Thomas Palmer**, Colehill, Warwickshire, out of business.

## INSOLVENT DEBTORS.

Saturday, Sept. 2.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

**Joshua Wigley**, Castle-street, Holborn, law stationer, No. 19,018 T.; **James Lock**, new assignee, in the room of Edward Hinchliff, deceased.—**William Purdon**, Kingston-upon-Hull, auctioneer, No. 61,791 C.; **Rich. Rob. Field**, assignee.—**Wm. E. Trezise**, Penwith, Cornwall, grocer, No. 62,334 C.; **James Pascoe**, assignee.—**Thos. Wooffendall**, Heckmondwike, near Leeds, coal dealer, No. 62,778 C.; **Geo. Wharton**, assignee.—**John Barlow**, Wigan, Lancashire, shoemaker, No. 63,208 C.; **Jas. Willgoose** and **Wm. Rigby**, assignees.—**Jeremiah Scully**, Dublin, auctioneer, No. 55,200 T.; **Sam. Wilkes**, assignee.—**Thos. Kings Tallett**, St. Albans, Hertfordshire, grocer, No. 61,322 C.; **Edw. Drury Rayment**, assignee.—**George Thorpe**, Kennington, Radley, Berkshire, fisherman, No. 34,104 C.; **J. Archer**, assignee.—**George Louis Young**, Great Russell-street, Bermondsey, Surrey, leather dresser, No. 55,453 T.; **James Junkison**, assignee.—**F. Scallion**, Liverpool, locker in her Majesty's Customs, No. 63,337 C.; **W. Franklin**, assignee.—**Richard Nutter**, Bottom, Marsden, near Colne, Lancashire, clogger, No. 62,685 C.; **Abr. Bealand**, assignee.—**James S. Buzza**, St. Ives, Cornwall, linen draper, No. 63,304 C.; **Chas. Howe** and **Jon. Clouter**, assignees.—**Mark Newman**, Bradford Abbas, Dorsetshire, carrier, No. 63,544 C.; **Thos. Bridge**, assignee.—**Esquire Dukes sen.**, Park-cottage, Highbury-park, Islington, milkman, No. 55,503 T.; **Wm. Calvert**, assignee.—**Johan H. Gartenfeld**, Upper St. Martin's-lane, Westminster, tailor, No. 55,514 T.; **Hen. Sibley**, assignee.—**Edw. Davies**, Pontfaen, near Oswestry, Shropshire, out of employ, No. 63,476 C.; **John Williams**, assignee.—**Geo. Pike**, Starcross, Kenton, Devonshire, out of business, No. 62,508 C.; **Joseph Whippell jun.**, assignee.—**John Brothers**, Birmingham, retail brewer, No. 63,390 C.; **Edw. Simpson**, assignee.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Sept. 26 at 9.*

**Den. Atkins**, Queen-st., May-fair, gentleman's servant.—**John Wm. Savory**, White-st., Borough, Southwark, oil and colour man.—**Wm. Talhis**, Upper Queen-street, Rotherhithe, bricklayer.—**John Reeves**, Clark's-row, Robert-st., Brixton, plasterer.—**Thomas Roberts**, Arlington-st., Mornington-crescent, Hampstead-road, out of business.—**Thomas Francis**, Surrey-place, Old Kent-road, Surrey, assistant to a stationer.—**Jas. McIntyre**, Lower-marsh, New-cut, Lambeth, cheesemonger.—**James Coster**, Bedford-street, Bedford-row, coffee-house keeper.—**Hen. D. Squier**, Aylesbury-st., Clerkenwell, butcher.—**Phil. Davis sen.**, Pond-pl., Fulham-road, Chelsea, builder.—**Jas. Green**, Cheapside, hair dresser.—**R. Barber jun.**, Southwark-bridge-road, Southwark, hat dyer.—**Jacob L. Blanchard**, Bucklersbury, dealer in general stationery.—

**Thos. Parker**, Wellington-st., Blackfriars, Surrey, labourer.—**Wm. Trinder**, Tavistock-st., Covent-garden, auctioneer.—**Jas. B. Griffen**, Lamb's-conduit-passage, Red Lion-square, Holborn, carpenter.

## Adjourned.

**Chas. B. Morris**, Totton-st., Stepney, out of business.—**T. Smith**, Chelsea, cowkeeper.—**John Wm. Headington**, Richmond, Surrey, tailor.—**Benj. C. Croesley**, St. Martin's-lane, comedian.—**Wm. F. Bursill**, Margaret-st., Wilmington-sq., Pentonville, lithographer.

*Sept. 28, at the same hour and place.*

**Chas. M. Gorway**, Union-terrace, Camden-town, engraver.—**Wm. Thomson**, Earl-street, Kensington, chandler's-shop keeper.—**Thos. Lovelock**, Hammersmith, fly master.—**Robert Winter**, University-st., Tottenham-court-road, victualler.—**Mary Trevitt**, Park-place, Knightbridge, out of business.—**Thos. Danby**, Hammersmith, omnibus proprietor.—**Wm. G. Jones**, Portpool-lane, Gray's-inn-lane, surgeon.—**John Wile**, Neate-street, Cobourg-fields, Old Kent-road, Surrey, market gardener.—**Lawrence Fell**, Rosemary-lane, Aldgate-without, victualler.—**Henry Stanley**, Easton-grove, Euston-sq., commission agent.—**James Sands**, Finchley-common, Finchley, tailor.—**Geo. Thos. Kenning**, Belmont-place, Wandsworth-road, Surrey, corn chandler.—**Thos. Hensor**, Compton-street, Soho, shoemaker.—**John Brettell**, Harpur-st., New Kent-rd., Surrey, ironfounders' clerk.—**William Sam. Lett**, Wilson's-buildings, Mansion-house-street, Kennington, Surrey, out of business.—**John Grimwood**, Martha-street, Haggerstone, builder.—**Jeas L. Gardie**, Percy-st., Tottenham-court-road, bronze manufacturer.—**Alfred Kennett**, Hart-st., Bloomsbury, assistant to a surgeon.—**Geo. A. Kloss**, Belvidere-pl., Southwark-bridge-road, Surrey, out of business.—**James Weir**, Poland-st., Oxford-st, licensed victualler.

## FRIDAY, SEPTEMBER 8.

## BANKRUPTS.

**JAMES GILSON FORSTER**, Aldgate High-street, London, tailor, Sept. 18 at 2, and Oct. 21 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Fisher, Doughty-street.—Fiat dated Sept. 7.

**ARCHIBALD LESLIE and WILLIAM SMITH**, St. Dunstan's-hill, London, merchants, Sept. 19 at 1, and Oct. 21 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Lawrance & Blenkarne, Bucklersbury.—Fiat dated Sept. 7.

**LUDD FENNER and WILLIAM FENNER**, Fenchurch-street, London, merchants, Sept. 20 at 11, and Oct. 11 at half-past 2, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Simpson & Cobb, Austin-friars.—Fiat dated Sept. 6.

**RICHARD MURPHY**, Manchester, draper, Sept. 20 and Oct. 9 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Sale & Worthington, Manchester; Reed & Shaw, Friday-street, London.—Fiat dated Aug. 30.

## MEETINGS.

**James Wm. Slatter**, Oxford, shoemaker, Sept. 21 at half-past 11, Court of Bankruptcy, London, last ex.—**H. Jones**, Canterbury, victualler, Sept. 23 at 2, Court of Bankruptcy, London, last ex.—**John Page**, St. Alban's, Hertfordshire, auctioneer, Sept. 18 at half-past 1, Court of Bankruptcy, London, last ex.—**Wm. Esley**, Manchester, shoemaker, Sept. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—**John Wood**, Manchester, baker, Sept. 25 at 12, District Court of Bankruptcy, Manchester, last ex.—**H. Crabtree** and **John Moore**, Dewsbury, Yorkshire, carpet manufacturers, Sept. 23 at 1, District Court of Bankruptcy, Manchester, last ex.—**R. Burton**, Wood-street, Cheapside, silk warehouseman, Oct. 3 at half-past 10, Court of Bankruptcy, London, and ac.—**W. Harrington jun.**, High-street, Aldgate, linen draper, Oct. 4 at half-past 11, Court of Bankruptcy, London, and ac.—**C. Bonyard**, Nelson's-place, Old Kent-road, Surrey, grocer, Oct. 4 at 12, Court of Bankruptcy, London, and ac.—**John Crow**, North-end, Fulham, licensed victualler, Oct. 4 at half-past 12, Court of Bankruptcy, London, and ac.—**Robt. Ward**, Windmill-street, Tottenham-court-road, fringe manufacturer, Oct. 4 at 1, Court of Bankruptcy, London, and ac.—**Edw. Oak**, Plymouth, Devonshire, linen draper, Oct. 18 at 11, District Court of Bankruptcy, Exeter, and ac.; Oct. 19 at 11, div.—**Henry Adams**, Totnes, Devonshire, merchant, Oct. 18 at 11,

District Court of Bankruptcy, Exeter, sud. ac.; Oct. 19 at 11, div.—*Herbert Hardie*, Manchester, merchant, Sept. 29 at 11, District Court of Bankruptcy, Manchester, sud. ac.—*B. Jones and J. M. James*, Manchester, and Swanses, Glamorganshire, tanners, Sept. 30 at 12, District Court of Bankruptcy, Manchester, sud. ac.—*J. Barlow*, St. Helens, Lancashire, grocer, Sept. 30 at 12, District Court of Bankruptcy, Liverpool, sud. ac.—*J. C. Nicholson*, Liverpool, merchant, Sept. 30 at half-past 12, District Court of Bankruptcy, Liverpool, sud. ac.—*Isaac Miller*, Liverpool, merchant, Sept. 30 at 11, District Court of Bankruptcy, Liverpool, sud. ac.—*Thomas Robson*, Liverpool, soap manufacturer, Sept. 30 at half-past 11, District Court of Bankruptcy, Liverpool, sud. ac.—*Sam. Musgrave and Benj. Musgrave*, Leeds, Yorkshire, dyers, Oct. 3 at 11, District Court of Bankruptcy, Leeds, sud. ac.; Oct. 5 at 11, div.—*Henry Shuttleworth*, Market Harborough, Leicestershire, and Light Poole-mills, Rodburgh and King's Stanley, Gloucestershire, pin manufacturer, Oct. 6 at 12, Court of Bankruptcy, London, div.—*Francis Szarka and George Szarka*, New Bond-street, furriers, Oct. 4 at 2, Court of Bankruptcy, London, div.—*John Davies and Hen. Edwards*, Westminster-road, Lambeth, linen drapers, Oct. 4 at half-past 2, Court of Bankruptcy, London, div.

## CERTIFICATES

It be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Jas. Watts*, Holborn, licensed victualler, Oct. 3 at 1, Court of Bankruptcy, London.—*Jackson Barwise*, Pall-mall, house decorator, Sept. 29 at half-past 11, Court of Bankruptcy, London.—*Wm. Aslett*, Bitterne, South Stoneham, Southampton, grocer, Oct. 3 at half-past 11, Court of Bankruptcy, London.—*Jas. Farren*, Nine-elms, Surrey, corn dealer, Oct. 2 at 11, Court of Bankruptcy, London.—*Samuel Chew*, Clifton, Northamptonshire, flour dealer, Oct. 2 at 1, Court of Bankruptcy, London.—*James Webber*, Wood-st., Cheapside, warehouseman, Oct. 3 at 12, Court of Bankruptcy, London.—*Wm. Henderson*, Netham-works, Moorfields, Gloucestershire, manufacturing chemist, Oct. 2 at 11, District Court of Bankruptcy, Bristol.—*David Bolton*, Kingston-upon-Hull, corn merchant, Oct. 3 at 11, District Court of Bankruptcy, Leeds.—*Thos. Baines*, Bradford, Yorkshire, worsted spinner, Oct. 24 at 11, District Court of Bankruptcy, Leeds.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Sept. 29.

*Robert Waddington*, Boston, Yorkshire, grocer.—*Thomas Sanderson*, Leeds, Yorkshire, woollen draper.—*J. Breasley*, Leeds, Yorkshire, victualler.—*Jas. P. Davis*, Bromley, Kent, inkkeeper.—*Geo. Leeson*, Birmingham, factor.—*R. Gregson*, Liverpool, tailor.—*Edwin F. Smith*, Bristol, carpenter.

## FIAT ANNULLED.

*Rob. Richardson*, High-st., Wapping, anchor and chain-cable manufacturer.

## PARTNERSHIP DISSOLVED.

*John E. Coote, Wm. Henry Coote, and Henry C. Ashbee*, Austin-frisers, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Francis Shortt*, dec., Dumfries.—*Alex. and Jas. Rowan*, Dundee, linen manufacturers.

## DECLARATIONS OF INSOLVENCY.

*Rob. J. White*, Stockport, Cheshire, commercial traveller.  
*Bartholomew Byrne*, Manchester-street, Manchester-square, St. Mary-le-bone, tailor.

*Abraham Levy*, Winchester-street, London-wall, traveller to cigar manufacturers.

*Mary Ann Fitzroy*, Upper George-st., Bryanston-sq., St. Mary-le-bone, in no business.

*Rob. Holt*, Masland, Rochdale, Lancashire, out of business.

*Joseph Bidwell*, St. Peter of Mancroft, Norwich, copper-plate printer.

*Thomas Home*, Great Haseley, Oxfordshire, relieving officer for the South Division of the Thame Union.

*Robert Dawson*, Dinting, Whitfield, Glossop, Derbyshire, blacksmith.

*Mr. Hingworth*, Dewsbury-moor, Yorkshire, beer seller.

*Horace Osborne*, Bidestone, Suffolk, plumber.

*John Chapman*, Cullum-street, St. Dionis Backchurch, Middlesex, cooper.

*Thomas Smith*, Victoria-place, Clapham-road, Lambeth, Surrey, gun maker.

*John Fleming*, St. Paul, Bedford, cigar dealer.

*David Davy*, St. Mary, Newington, Surrey, fire-wood cutter.

*Robert Amelius Jackson*, Gerrard-st., Dean-street, Soho, Lieutenant in the Royal Navy on half-pay.

*Joseph Belcher*, Holwell-place, Blackheath-road, Greenwich, Kent, contributor to sundry periodicals.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Saturday, Sept. 30, at 9.

*Wm. Silvertown*, Upper North-place, Gray's-inn-road, out of business.—*Wm. Thos. Stephens*, Saint George's-circus, Blackfriars-road, Southwark, out of business.—*Charles Hayward*, Nassau-street, Soho-square, tailor.—*Robert Fraser*, Bow, Middlesex, and Gravesend, Kent, appraiser.—*James Quanttrille*, Seabright-terrace, Hackney-road, out of business.—*William B. Aves*, Chapter Coffee-house, Paternoster-row, commission-agent.—*Rich. Sheet*, Abbey Nursery, Hill-road, St. John's-wood, tailor.—*Jas. Rogers*, Leathersellers'-buildings, London-wall, whip maker.—*Jas. Allen*, High-street, Kensington, builder.—*Wm. P. Davis*, Angel-terrace, Islington, merchant's clerk.—*Robt. Jennings*, Chapman-street, Liverpool-road, Islington, out of business.—*Wm. Jones*, Dyer's-buildings, Holborn, assistant to a sheriff's officer.—*A. Wallington*, Gray's-inn-square, attorney.—*Wm. Alfred Putnam*, Upper East Smithfield, gun smith.—*Jas. Haynes*, Cowley, near Uxbridge, fruit salesman.—*Sarah Lawren*, Maidenhead-court, Green-arbour-court, Little Moorfields, brush polisher.—*Rob. Webb*, Lampton, Middlesex, smith.—*Nath. Fletcher*, New-road, Whitechapel, traveller on commission.—*Thos. Davidson*, Symond's-street, Chelsea, carpenter.—*Geo. Paqualin*, South-street, Camberwell, Surrey, ship and insurance agent.

Oct. 3, at the same hour and place.

*Fred. Wm. Stubbs*, Bower-street, Commercial-road East, out of business.—*Thos. L. Walker*, Lyon's-inn, Strand, out of business.—*Jas. Hawkins*, Devonshire-st., Lisson-grove, cheesemonger.—*Hen. Reid*, Sloane-square, Chelsea, pianoforte maker.—*Thos. Fitzpatrick*, Stephen's-street, Lisson-grove, licensed victualler.—*Thomas Proudfoot*, Mortimer-street, Cavendish-square, bookbinder.—*Simeon Metz*, Northumberland-court, Strand, out of business.—*Jas. Whitefield*, Bernard's-inn, Holborn, out of business.—*Emilie Catherine De Massow*, widow, Argyle-place, Regent-street, out of business.—*George Allison*, Darlington, Durham, attorney at law.—*Wm. Thomas*, Green-lane, Hounslow, gardener.—*Henry Heathorn*, Canterbury-street, York-road, Lambeth, Surrey, dealer in hops.

## Adjourned.

*Wm. Anstead*, Park-street, Grosvenor-square, Middlesex, house agent.

## INSOLVENT DEBTOR'S DIVIDEND.

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## MEETINGS.

*Stockdale Herring*, Bradford, Yorkshire, flour dealer, Sept. 22 at 12, at Bakewell's, Wakefield, sp. aff.—*Edmund Smith*, Hulme, near Manchester, coal proprietor, Sept. 23 at 11, at Wilson's, Manchester, sp. aff.

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# The Jurist

No. 349.

LONDON, SEPTEMBER 16, 1843.

PRICE 1s.

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LONDON, SEPTEMBER 16, 1843.

Before the recent Statute of Wills, (1 Vict. c. 26), many cases had arisen upon the Statute of Frauds, as to what was signing a will within the Statute, and the doctrine finally established was, that the words of the Statute requiring that devises "should be in writing and signed by the party so devising the same, or by some other person in his presence and by his express direction, and should be attested and subscribed in the presence of the said devisor by three or four witnesses," did not require the signing by the testator actually to take place in the presence of the attesting witnesses, but that it was sufficient if the testator acknowledged his signature; and, further, that the acknowledgment might take place before each witness separately. As to what constituted an acknowledgment, it was decided by a series of cases, coming down to the "*British Museum v. White*," (3 M. & P. 689, and 6 Bing. 310), and a few still more recent, that it was not necessary that the testator should actually call the attention of the attesting witnesses to his name, and acknowledge it specifically to be his signature or name, but that, if the name was signed, and the testator requested the attesting witnesses to subscribe the memorandum of attestation, though they neither saw the testator's signature nor were even made acquainted with the nature of the instrument that they attested, yet such act of the testator was a sufficient acknowledgment, and the will would be duly executed. The decision in the case referred to is put by the court on the ground that the testator knew the instrument to be his will; that he produced it to the witnesses, and asked them to sign it, and intended them to sign it as witnesses; and that, having subscribed it in the testator's presence, they returned it to the testator. Under these circumstances, the court thought that he had acknowledged *in fact*, though not in words, to the witnesses, that the will was his.

If we couple these decisions with those which decided that if the testator was capable of recognising, and was mentally conscious of the transaction of attestation by the witnesses, and was in such a position that he *might* see them sign, then the attestation should be held to be made in his presence, although he was not within the view of the witnesses, and in fact did not see them sign,—it is tolerably plain that the authorities went pretty nearly the length of repealing the 5th section of the Statute of Frauds. It seems a little singular that the judges should have reasoned themselves into the idea, that saying an act is to be done in the *presence* of another, means doing it when he is so placed that you *cannot* see him, and that he *does not* see you, but only may if he thinks fit, without perceiving that the same train of reasoning ought to have induced them to hold, that, if the testator could by any practicable and rationally presumable effort bring himself into such a position that he might see the witnesses, the attestation should be good, although supposing him to be unable to quit the particular spot where he stood or sate or lay, he could not then and there see them. Nevertheless such a distinction was made. The doctrine was laid down, that, if the witnesses were in a room, and the testator sate in a carriage so placed that he *might*, if he looked through the window of his carriage, have seen the witnesses; or if the witnesses sate at table, and the testator was in bed with the curtains drawn; the attestation would be good. It was enough, was the reasoning, that the testator *might* see the signing; it was not necessary that he *should actually* see it. For, if that were the case, if a man did but turn his back, or look off, that would vitiate a will. But, where the testator was in bed in a room, from one part of which he might, by inclining his head into the passage, have seen the witnesses attest the will, but not in the situation in which he was, the attestation was decided not to be good. (*Doe d. Wright v. Manifold*, 1



M. & S. 204). The law therefore was one of presumption; and the presumption was, that, if a man had his back turned, he should be presumed to turn himself round, because by turning round he could see; but, if he was in bed in one part of a room where he could not see, the law would not presume that he would get out of bed, and go to another part of it where he could see. So that after all the principle was, if indeed any principle can be assigned to such legal absurdities, that a testator having his will attested, might be presumed capable of bodily motion; that is, of incontinence of the body, or of parts of the body, but not of locomotion. He might be presumed to lean over the side of his bed, but he could not be presumed to get out of his bed; or, if standing up, he might be presumed to turn right round, but could not be presumed to take a step. In fact, corporeal revolution or oscillation might be presumed, but not rectilinear motion.

The grounds for these curious inquiries into the extent and kind of forcible motion of which the body of a testator should be presumed capable, are not removed by the present law. For, as we find observed by Mr. Jarman in his learned treatise, (p. 105), "As the act retains the requisition that the will shall be attested by the witnesses 'in the presence of the testator,' the question may still arise what constitutes such 'presence'; and which must of course be regulated by decisions occurring under the devise clause in the Statute of Frauds." The difficulties will now, however, be somewhat increased in every case of presumptive visibility under the new statute, because, now, the evidence must shew, first, that the testator was so placed that he might see not merely each witness separately, but all three at once; and, secondly, that the witnesses were so placed that each of them might see the testator and the other witnesses; and cases may well be imagined in which a testator might be so placed, that, restricting his presumable movements according to the doctrine of *Doe v. Wright v. Manifold*, he might well be able to see each witness separately, but might, by the very act of placing himself so as to be capable of seeing either, render it impossible that he should see the other two.

The recent statute puts an end to any question as to the *admissibility* of an acknowledgment of a signature, but does not preclude the application of the cases under the old law as to what is a sufficient acknowledgment. And on this point our readers will probably have observed a very recent case, (*Gaze v. Gaze*, ante, p. 803), in which the doctrine of the cases before 1838 (*Ellis v. Smith*, 1 Ves. jun. 11; *British Museum v. White*, cited above; *Wright v. Wright*, 5 M. & P. 316, &c.) appears to govern. In the case before Sir H. Jenner Fust, the testator did not actually acknowledge his signature specifically as such. It is not even clear that he used words specifically referring to anything as "his name." There was some, but not conclusive evidence, that he told the witnesses to sign their names "below mine." The court however held, that the attestation was good, and apparently on exactly the reasoning of *British Museum v. White*, viz. that the testator produced to the witnesses a will signed, that he directed them to sign it as witnesses, and that they did attest with the due formalities as to presence. The result of this case seems, that, under the new law, as well as under the

old, if the will is in fact signed, the signature may be duly acknowledged without any specific reference to the signature, but that the tradition of the will to the witnesses, with the intent that they should sign as witnesses attesting the signature, is sufficient, if the attestation be in other respects regular.

## PUBLIC GENERAL STATUTES.

6 & 7 VICTORIA.—SESSION 3.

(Continued from p. 309.)

### CAP. LXVII.

An Act to enable Parties to sue out and prosecute Writs of Error in certain Cases upon the Proceedings on Writs of Mandamus. [22nd August, 1843.]

- Sect. 1. *In order to object to a Return to a Mandamus the Prosecutor must demur. Proceedings thereupon.*  
 2. *Writ of Error upon the Judgment.*  
 3. *Peremptory Writ of Mandamus.*  
 4. *Court of Error may make Rules.*

Sect. 1. Whereas writs of mandamus are issued by her Majesty's Court of Queen's Bench and the courts of the counties palatine, and the application for the same must now be made in these courts respectively alone: And whereas writs of mandamus are frequently awarded, and often in cases of considerable importance, and the practice of issuing such writs hath of late very much increased: And whereas it is expedient the parties interested in the issuing of or in the proceedings upon such writs respectively shall be enabled in certain cases to have the judgments and decisions of the said Court of Queen's Bench, and courts of the counties palatine respectively, in respect of the said writs and of the proceedings thereon, reviewed by a court of error, if they shall so think fit, and that a certain mode of effecting the same shall be ordained and established: And whereas by a certain act made and passed in the 9th Anne [c. 20], intitled "An Act for rendering the Proceedings upon Writs of Mandamus and Informations in the Nature of a Quo Warranto more speedy and effectual, and for the more easy trying and determining the Rights of Offices and Franchises in Corporations and Boroughs," it was enacted, amongst other things, that in certain cases therein mentioned, when a writ of mandamus should issue and a return should be made thereunto it should be lawful for the person suing or prosecuting such writ to plead to or traverse all or any of the material facts contained within the said return to which the person making such return should reply, take issue, or demur, and such further proceedings in such manner should be had therein for the determination thereof as might have been had if the person suing such writ had brought his action on the case for a false return: And whereas by an act passed in the 1st Will. 4, [c. 21], the said provision hereinbefore mentioned of the said herein first recited act was extended to writs of mandamus in all other cases, and to the proceedings thereon: And whereas in neither of the said recited acts, nor in any other act, is any power authority given to the person prosecuting such writ of mandamus to demur to the return made to any such writ, so that the decision of the said courts respectively as to the validity of such return could be reviewed by a court of error; for removal whereof, therefore, be it enacted &c. That in all cases in which the person prosecuting any such writ heretofore issued or hereafter to be issued shall wish or intend to object to the validity of any return already made or hereafter to be made to the said writ he shall do so by way of demurrer to the same, in such and in like manner as is now practised and used in the courts herebefore mentioned respectively in personal actions; and then upon the said writ and return and the said demurrer shall entered upon record in the said courts respectively, and as and the like further proceedings shall be thereupon had as taken as upon a demurrer to pleadings in personal actions in the said courts respectively; and the said courts respectively shall thereupon adjudge either that the said return is valid in law, or that it is not valid in law, or that the writ of mandamus is not valid in law; and if they adjudge that the said return is valid in law, but that the return thereto is not valid in law, then and in every such case they shall also by their said judgment award that a peremptory mandamus shall issue in full behalf, and thereupon such peremptory writ of mandamus shall

be made out and issued accordingly, at any time after four days from the signing of the said judgment; and it shall be lawful for the said courts respectively, and they are hereby required, in and by their said judgment, to award costs to be paid to the party in whose favour they shall thereby decide by the other party or parties.

2. That whenever any such judgment as is hereinbefore mentioned shall be given, or whenever issue in fact or in law shall be joined upon any pleadings in pursuance of the said recited acts or either of them, and judgment shall be given thereon by any of the courts aforesaid, it shall be lawful for any party to the record in any of such cases, who shall think himself aggrieved by such judgment, to sue out and prosecute a writ of error for the purpose of reversing the same, in such manner and to such court or courts as a party to any personal action in the said court may now sue out and prosecute a writ of error upon the judgment in such action; and such and the like proceedings shall thereupon be had and taken, and such costs awarded, as in ordinary cases of writs of error upon judgments of the said courts respectively in personal actions; and if the judgment of such court be reversed by the court of error, the said court of error shall thereupon by their judgment not only reverse the same, but shall also in addition thereto give the same judgment which the court whose judgment is so reversed ought to have given in that behalf; and if by their said judgment they shall award that a peremptory writ of mandamus shall issue, the same shall and may accordingly be issued by the proper officer in the office from which such writs issue, as the case may be, upon production to him of an office copy of the said judgment of the court of error, which shall be his authority and warrant for so doing: Provided always, that bail in error to the amount of 50*l.*, or such other sum as may by any rule of practice be appointed as hereinafter provided, shall be duly put in within four days after the allowance of the said writ of error, and the same shall afterwards be duly perfected according to the practice of the court wherein the said original judgment was given, otherwise the plaintiff in error shall be deemed to have abandoned his writ of error, and the same shall not be further prosecuted.

3. That no action, suit, or any other proceeding shall be commenced or prosecuted against any person or persons whatsoever for or by reason of anything done in obedience to any peremptory writ of mandamus issued by any court having authority to issue writs of mandamus.

4. That the said courts of error who are hereby empowered to take cognizance of the matters aforesaid may make, and they are hereby directed to make, from time to time and as often as they shall see occasion, such rules of practice in reference to the said application and the proceedings thereon, and in reference to the writs of error hereinbefore mentioned and the proceedings thereon, and the amount of bail to be taken, as the said courts respectively may deem necessary to effectuate the intention of this act in relation to the same respectively.

## CAP. LXVIII.

An Act for regulating Theatres. [22nd August, 1843.]

## CAP. LXIX.

An Act to continue until the 1st day of August, 1844, and to the End of the then next Session of Parliament, certain Turnpike Acts. [22nd August, 1843.]

## CAP. LXX.

An Act to defray, until the 1st day of August, 1844, the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers. [22nd August, 1843.]

## CAP. LXXI.

An Act to make further Provision in respect of Grand Jury Presentments in Counties of Cities and Counties of Towns in Ireland. [22nd August, 1843.]

Sect. 1. If certain presentments in the present year include sums for debts incurred previous to the operation of the first-recited act, the proportions to which detached portions of

counties &c. shall be liable shall be settled by barristers appointed by the lord lieutenant.

2. Sums uncollected under former levy to be added to presentments of instalments of arrears.

3. Presentments hereafter made to include sums collected under any former warrant.

4. Recited acts and this act construed as one act.

## CAP. LXXII.

An Act to impose certain Stamp Duties, and to amend the Laws relating thereto. [22nd August, 1843.]

Sect. 1. *The Duties on Donations and Presentations by her Majesty to extend to all Donations and Presentations by whomsoever made.*

2. *The Certificate of the Value of the Benefice to be written upon the Donation &c.*

3. *Stamp Duty payable on Certificates of Registration of a Design under 6 & 7 Vict. c. 65.*

4. *Extending the Powers of Stamp Acts to Duties in this Act.*

5. *The Duties on Marriage Bonds in Ireland repealed, and the Duty for a Lease for a Year not to be charged on Leases for Lives of Property of small Value.*

6. *Act may be amended this Session.*

Sect. 1. Whereas by an act passed in the 5 & 6 Vict. [c. 79], intituled "An Act to repeal the Duties payable on Stage Carriages and on Passengers conveyed upon Railways, and certain other Stamp Duties in Great Britain, and to grant other Duties in lieu thereof; and also to amend the Laws relating to the Stamp Duties," certain stamp duties were granted upon donations or presentations by her Majesty, or her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in England, and upon collations by any archbishop or bishop to any such ecclesiastical benefice, dignity, or promotion: And whereas it is expedient that the said duties should be paid upon all donations, presentations, and collations of or to ecclesiastical benefices, dignities, or promotions in England, by whomsoever made or granted: Be it therefore enacted &c., That from and after the passing of this act the several and respective duties by the said recited act granted and imposed upon any donation or presentation by her Majesty, or her heirs or successors, of or to any ecclesiastical benefice, dignity, or promotion in England shall be, and the same are hereby respectively charged and made payable upon or for and in respect of every donation or presentation, by whomsoever made or granted, of or to any such ecclesiastical benefice, dignity, or promotion; and that the several duties by the said act granted and imposed upon any collation by any archbishop or bishop to any ecclesiastical benefice, dignity or promotion in England shall be and the same are hereby charged and made payable upon or for and in respect of every collation to any such ecclesiastical benefice, dignity, or promotion, whether the same shall be made by any archbishop or bishop, or by any other ordinary or competent authority.

2. That the certificate of the ecclesiastical commissioners for England for ascertaining the value of any benefice, dignity, or promotion, as required by the said act, shall in every case be written upon the instrument of donation, presentation, or collation respectively charged with duty by the said act or this act; and where institution shall proceed upon the petition of the patron to be himself admitted and instituted, such certificate shall be written upon the instrument of institution charged with duty by the said act, and no such instrument as aforesaid shall be used or be available unless nor until such certificate shall be so written thereon; and such instrument shall be stamped to denote the proper duty chargeable in respect thereof.

3. And whereas it is expedient to impose a stamp duty on every certificate which may be issued of the registration of a design under the authority of an act passed in the 6 & 7 Vict. [c. 65], intituled "An Act to amend the Laws relating to the Copyright of Designs;" be it enacted, That there shall be charged and payable upon or for and in respect of every certificate to be issued of the registration of a design under the authority of the said last-mentioned act a stamp duty, which shall be denoted by a stamp to be specially appropriated to pressing and denoting the said duty, and to be stamped upon every such certificate.

4. That the said several and respective duties shall be charged



and made payable shall be under the care and management of the commissioners of stamps and taxes; and all the powers, provisions, regulations, fines, pains, and penalties now in force relating to any stamp duties under the care or management of the said commissioners, shall be of full force and effect with respect to the several duties hereby imposed, as far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, paying, accounting for, and securing of the said duties hereby imposed, and for the preventing, detecting, and punishing of all frauds, forgeries, and other offences relating thereto, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted with reference to the said duties hereby imposed.

5. And whereas under and by virtue of another act passed in the last session of parliament, intituled "An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same, until the 10th day of October, 1845," bonds entered into by persons on obtaining marriage licenses in Ireland, are chargeable with a stamp duty of 20s., and certain releases of freehold property in Ireland are chargeable with the stamp duty payable for and in respect of a bargain and sale or lease for a year where no such bargain and sale or lease for a year is actually prepared and executed; and it is expedient to exempt from such duty respectively all such bonds, and also leases for lives of property of small value; be it therefore enacted, That from and after the passing of this act, the duty of 20s. chargeable, under or by virtue of the said last-mentioned act, upon or for or in respect of any bond entered into by any person on obtaining a marriage license in Ireland shall cease and be no longer payable; and that no lease, release, deed, or other instrument for setting or demising lands, tenements, or hereditaments in Ireland for any term not exceeding three lives, where the annual amount of the rent reserved (any penal rent or any increased or reserved rent in the nature of a penal rent not being included in such amount) shall not exceed 50l., and the fine or consideration of the same shall not exceed 200l., nor any counterpart or duplicate thereof, shall be charged or chargeable with any stamp duty for or in respect of a bargain and sale for a lease for a year therein mentioned or referred to in relation to such lands, tenements, or hereditaments so set or demised therein or thereby; and the recital of a bargain and sale or lease for a year of such lands, tenements, or hereditaments in or upon any such lease, release, deed, or other instrument shall be as effectual in law as the same would have been if the said last-mentioned act had not been passed, any thing in the said act contained to the contrary thereof in anywise notwithstanding.

6. That this act may be amended or repealed by any act to be passed in the present session of parliament.

#### CAP. LXXIII.

An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales. [22nd August, 1843.]

##### Sect. 1. *Repeal of former Acts.*

2. *No Person to act as an Attorney or Solicitor unless admitted and inrolled.*
3. *No Person to be admitted an Attorney or Solicitor unless he shall have served a Clerkship of five Years. Proviso as to Courts of Lancaster and Durham.*
4. *No Attorney to have more than two Clerks at one Time, or to take or retain any Clerk after discontinuing Business, nor whilst Clerk to another.*
5. *In case Attorney become bankrupt or insolvent, or be imprisoned.*
6. *Persons bound for five Years may serve one Year with a Barrister or Special Pleader, and one Year with a London Agent.*
7. *Any Person who has taken a Degree at Oxford, Cambridge, Dublin, Durham, or London, may act as an Attorney or Solicitor, upon having served a Clerkship of three Years. One Year with Agent.*
8. *Affidavit to be made and filed within six Months of Execution of Articles, and the Articles to be inrolled.*
9. *If not filed within six Months the Service to reckon from the Day of filing, unless, &c.*

10. *Affidavit to be produced on applying for Admission.*
11. *Book to be kept for entering the Substance of Affidavits, with the Names &c. of Attorney and Clerk &c. which may be searched.*
12. *How Clerks to be employed.*
13. *Clerks whose Masters have died or left off Practice, may enter into fresh Contracts for the Residue of their Term.*
14. *Clerks before Admission to make Affidavit of having served.*
15. *Persons on applying for Admission as Attornies to be examined as to Fitness and Capacity. Oaths to be administered.*
16. *Judges may appoint Examiners.*
17. *The Master of the Rolls, before admitting any Person as a Solicitor, to inquire as to his Fitness and Capacity.*
18. *The Master of the Rolls, jointly with the Judges, may appoint Examiners touching the Admission of Persons to act both as Attornies and Solicitors.*
19. *Attornies and Solicitors, before Admission, to take Oath.*
20. *The proper Officers for filing Affidavits of the Execution of Articles of Clerkship, and for having the Care of the Rolls. Names of Attornies to be enrolled in alphabetical Order. Names of Solicitors to be inrolled in alphabetical Order.*
21. *Appointment of the Incorporated Law Society as Registrar of Attornies and Solicitors.*
22. *Commissioners of Stamps not to grant any Certificate until Registrar has certified that the Person applying is entitled thereto. Commissioners to deliver all such Certificates yearly to the Registrar, indorsed with the Date of granting Certificate.*
23. *On Application for Certificate a Declaration to be signed and entered in a Book.*
24. *On Registrar's Refusal, Application to be made to Court.*
25. *In case of Neglect to obtain a stamped Certificate, Application to be made to the Court or Judge.*
26. *Persons practising without Certificate incapable of recovering Fees.*
27. *Persons duly admitted in one Court capable of practising in all other Courts, on signing the other Rolls. Persons duly admitted in Chancery capable of practising in Bankruptcy and in all Inferior Courts of Equity.*
28. *Defects in the Service, &c., of Attornies not to disqualify Persons who have served them.*
29. *Applications for striking Attornies off the Roll, for Defect in Articles, &c., to be made within twelve Months of Admission.*
30. *Fee for registering Articles and Examination and Admission, and for Entry and Certificates. Increase or Diminution of Fees. Appropriation of Fees.*
31. *Attornies not to commence or defend Suits if Prisoners.*
32. *Attornies not to act as Agents for Persons not qualified, &c.*
33. *No Attorney or Solicitor to be a Justice of the Peace.*
34. *Proviso for Places having Justices by Charter.*
35. *Prohibiting Persons not inrolled from suing out Writs, &c.*
36. *Prohibiting Persons unqualified from acting in the County Courts.*
37. *Attornies and Solicitors not to commence an Action for Fees till one Month after Delivery of their Bills. Reference of Bills, whether relating to Business transacted in Court or not, for Taxation. Taxation after one Month. Taxation after twelve Months under special Circumstances. Payment of Costs of Taxation. Courts may order Attorney or Solicitor to deliver his Bill, and to deliver up Deeds, &c. Evidence of Delivery of Bill. Power to Judge to authorize Action before Expiration of Month.*
38. *Bills may be taxed upon the Application of third Parties.*
39. *Lord Chancellor may direct Taxation of Bills chargeable on Executors, &c.*

40. *Copy of Bill to be delivered to Person making Application for Reference for Taxation. No Re-taxation.*
41. *Taxation of Bill after Payment.*
42. *Power for Taxing Officer to request Officers of other Courts to tax Portions of the Bill.*
43. *Applications for taxing Bill of Costs how to be made. Certificate of Taxation to be final. Judgment may be entered.*
44. *Persons whose Period of Service has expired before Commencement of this Act, but not admitted, may, if qualified, be admitted under it.*
45. *Attornies, &c., of Duchy Chamber of Lancaster at Westminster, &c., to be inrolled as Attornies of Chancery, &c., without Examination, on Payment of Duty. Until Attornies of Lancaster and Durham are admitted in Superior Courts, Attornies may act as their Agents.*
46. *To what Clerks the Act not to extend.*
47. *To what Solicitors the Act is not to extend.*
48. *Meaning of certain Words in this Act.*
49. *Act may be altered this Session.*

Sect. 1. Whereas the laws relating to attornies and solicitors are numerous and complicated, and it is expedient to consolidate and simplify and to alter and amend the same: Be it therefore enacted, &c., That from and after the passing of this act the several acts and parts of acts set forth in the first part of the first schedule hereunto annexed, so far as the same relate to that part of the United Kingdom of Great Britain and Ireland called England and Wales, shall be and the same are hereby repealed, save only and except so far as such acts or parts of acts, or any of them, repeal the whole or any part of the same or of any other act or acts, and also save and except so far as relates to any matter or things done at any time before the passing of this act, all which matters and things shall be and remain good, valid, and effectual, to all intents and purposes whatsoever, as if this act had not passed, and also save and except as to the recovery and application of any penalty for any offence which shall have been committed before the passing of this act: Provided always, that nothing in this act shall be construed to repeal or alter any of the acts or parts of acts mentioned to be saved in the second part of the first schedule hereunto annexed.

2. That from and after the passing of this act no person shall act as an attorney or solicitor, or as such attorney or solicitor meet out any writ or process, or commence, carry on, or solicit, or defend any action, suit, or other proceeding, in the name of any other person or in his own name, in her Majesty's High Court of Chancery, or Courts of Queen's Bench, Common Pleas, or Exchequer, or Courts of the Duchy of Lancaster, or Court of the Duchy Chamber of Lancaster at Westminster, or in any of the courts of the counties palatine of Lancaster and Durham, or in the Court of Bankruptcy, or in the Court for the Relief of Insolvent Debtors, or in any county court, or in any court of civil or criminal jurisdiction, or in any other court of law or equity in that part of the United Kingdom of Great Britain and Ireland called England and Wales, or act as an attorney or solicitor in any cause, matter, or suit, civil or criminal, to be heard, tried, or determined before any justice of the peace, or of oyer and terminer, or gaol delivery, or at any general or quarter sessions of the peace for any county, riding, division, liberty, city, borough, or place, or before any justice or justices, or before any commissioners of her Majesty's revenue, unless such person shall have been previously to the passing of this act admitted and inrolled and otherwise duly qualified to act as an attorney or solicitor under or by virtue of the laws now in force, or unless such person shall after the passing of this act be admitted and inrolled and otherwise duly qualified to act as an attorney or solicitor, pursuant to the directions and regulations of this act, and unless such person shall continue to be so duly qualified and on the roll at the time of his acting in the capacity of an attorney or solicitor as aforesaid.

3. That, except as hereinafter mentioned, no person shall, from and after the passing of this act, be capable of being admitted and inrolled as an attorney or solicitor, unless such person shall have been bound by contract in writing to serve as clerk for and during the term of five years to a practising attorney or solicitor in England or Wales, and shall have duly served under such contract for and during the said term of five years, and also unless such person shall, after the expiration of

the said term of five years, have been examined and sworn in the manner hereinafter directed: Provided always, that any person who now is or shall hereafter be bound by contract in writing to serve as clerk to a practising attorney or solicitor of the Court of Common Pleas of the county palatine of Lancaster or the Court of Pleas of the county palatine of Durham respectively for the term of five years, and shall continue in such service for and during the said term, and shall during the whole of such term have been actually employed by such attorney or solicitor, or by the London agent of any such attorney or solicitor, or by any practising barrister or special pleader, with the consent of such attorney or solicitor, for any part of the said term not exceeding one year, shall be admitted and inrolled an attorney of the said last-mentioned courts respectively as heretofore, on his satisfying the judges for the time being of the said courts respectively of his being qualified to act as an attorney or solicitor.

4. That no attorney or solicitor shall have more than two clerks at one and the same time who shall be bound by such contract in writing as aforesaid to serve him as clerks; and that no attorney or solicitor shall take, have, or retain any clerk who shall be bound by contract in writing as aforesaid after such attorney or solicitor shall have discontinued or left off practising as or carrying on the business of an attorney or solicitor, nor whilst such attorney or solicitor shall be retained or employed as a writer or clerk by any other attorney or solicitor; and service by any clerk under articles to an attorney or solicitor, for and during any part of the time that such attorney or solicitor shall be so employed as writer or clerk by any other attorney or solicitor, shall not be deemed or accounted as good service under such articles.

5. That in case any attorney or solicitor to whom any clerk shall be bound by contract in writing as aforesaid shall, before the end or determination of such contract, become bankrupt, or take the benefit of any act for the relief of insolvent debtors, or be imprisoned for debt and remain in prison for the space of twenty-one days, it shall be lawful for any of the said courts of law or equity wherein such attorney or solicitor is admitted as aforesaid, upon the application of such clerk, to order and direct the said contract to be discharged, or assigned to such person upon such terms and in such manner as the said court shall think fit.

6. That any person who now is or hereafter shall be bound by contract in writing to serve as a clerk to a practising attorney or solicitor for the term of five years, and who shall actually and bona fide be and continue as pupil with and as such be employed by any practising barrister, or any person bona fide practising as a certificated special pleader, in England or Wales, for any part of the said term, not exceeding one whole year, and in addition thereto or instead thereof with the London agent of the attorney or solicitor to whom any such person shall be so bound by contract as aforesaid for any part of the said term not exceeding one year, either by virtue of any stipulation in such contract, or with the permission of such attorney or solicitor, shall be capable of being examined, and sworn and admitted and inrolled as an attorney or solicitor, in the same manner as if he had served the whole of the said period of five years with the attorney or solicitor to whom he may be so bound.

7. That any person who shall have taken or who shall take the degree of bachelor of arts within six years after his matriculation, or the degree of bachelor of laws within eight years after his matriculation, either in the University of Oxford, or in the University of Cambridge, or in the University of Dublin, or in the University of Durham, or in the University of London, and who shall within four years after the day whereon he shall have taken or shall take such degree be bound by contract in writing to serve as a clerk for and during the term of three years to a practising attorney or solicitor in England or Wales, and shall have continued in such service for and during the said term of three years, and shall during the whole of such term have been actually employed by such attorney or solicitor, or by the London agent of such attorney or solicitor, with his consent, for any part of the said term, not exceeding one year, in the proper business, practice, or employment of any attorney or solicitor, and who shall after the expiration of the said term of three years have been examined and sworn in the manner hereinafter directed, shall be capable of being admitted and inrolled as an attorney or solicitor, although he shall have served a clerkship under such contract as aforesaid for and during the term of three years only.

8. That whenever any person shall after the passing of this act be bound by contract in writing to serve as a clerk to any attorney or solicitor as aforesaid, the attorney or solicitor to whom such person shall be so bound as aforesaid shall, within six months after the date of every such contract, make and duly swear, or cause or procure to be made and duly sworn, an affidavit or affidavits of such attorney or solicitor having been duly admitted, and also of the actual execution of every such contract by him the said attorney or solicitor and by the person so to be bound to serve him as a clerk as aforesaid; and in every such affidavit shall be specified the names of every such attorney or solicitor and of every such person so bound, and their places of abode respectively, together with the day on which such contract was actually executed; and every such affidavit shall be filed within six months next after the execution of the said contract with and by the officer appointed or to be appointed for that purpose as hereinafter mentioned, who shall thereupon enrol and register the said contract, and shall make and sign a memorandum of the day of filing such affidavit upon such affidavit and also upon the said contract.

9. That in case such affidavit be not filed within such six months, the same may be filed by the said officer after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless one of the said courts of law or equity shall otherwise order.

10. That no person who shall from and after the passing of this act become bound as aforesaid shall be admitted an attorney or solicitor before such affidavit so marked as aforesaid shall have been produced to the court or judge to whom such person shall apply to be admitted an attorney or solicitor, in pursuance of the provisions hereinafter contained, unless such court or judge shall be satisfied that the same cannot be produced, and shall think fit to dispense with the production thereof.

11. That the officer so appointed or to be appointed for filing such affidavits as aforesaid shall keep a book wherein shall be entered the substance of every affidavit which shall be so filed as aforesaid, specifying the name and place of abode of the attorney or solicitor to whom any person shall be bound to serve as a clerk, and of the clerk or person who shall be so bound as aforesaid, and of the person making such affidavit, with the date of the articles or contract in such affidavit mentioned or referred to, and the days of swearing and filing every such affidavit respectively; and such officer shall be at liberty to take, at the time of filing every such affidavit, the sum mentioned in the second schedule to this act annexed, and no more, as a recompense for his trouble in filing such affidavits and preparing and keeping such books as aforesaid; and such books shall and may be searched in office hours by any person whomsoever, without fee or reward.

12. That every person who now is or hereafter shall be bound by contract in writing to serve as a clerk to any attorney or solicitor shall, during the whole time and term of service to be specified in such contract, continue and be actually employed by such attorney or solicitor in the proper business, practice, or employment of an attorney or solicitor, save only and except in the cases hereinbefore mentioned.

13. That if any attorney or solicitor to or with whom any such person shall be so bound shall happen to die before the expiration of the term for which such person shall be so bound, or shall discontinue or leave off practice as an attorney or solicitor, or if such contract shall by mutual consent of the parties be cancelled, or in case such clerk shall be legally discharged before the expiration of such term by any rule or order of the court wherein such attorney or solicitor shall have been admitted, such clerk shall and may in any of the said cases be bound by another contract or other contracts in writing to serve as clerk to any other practising attorney or solicitor, or attorneys or solicitors, during the residue of the said term, and service under such second or other contract in manner hereinbefore mentioned shall be deemed and taken to be good and effectual, provided that an affidavit be duly made and filed of the execution of such second or other contract or contracts within the time and in the manner hereinbefore directed, and subject to the like regulations with respect to the original contract and affidavit of the execution thereof.

14. That every person who shall have been or shall be bound as a clerk as aforesaid shall, before he be admitted an attorney or solicitor according to this act, prove, by an affidavit of himself or of the attorney or solicitor to whom he was bound as

aforesaid, or such agent, barrister, or special pleader as aforesaid, to be duly made and filed with the proper officer hereinbefore mentioned, that he hath actually and really served and been employed by such practising attorney, solicitor, agent, barrister, or special pleader, during the whole time and in the manner required by the provisions of this act, and in the form to be approved by the judges of the court wherein such person shall apply to be admitted.

15. That it shall be lawful for the judges of the said Courts of Queen's Bench, Common Pleas, and Exchequer, or any one or more of them, and he and they is and are hereby authorized and required, before he or they shall issue a fiat for the admission of any person to be an attorney, to examine and inquire, by such ways and means as he or they shall think proper, touching the articles and service, and the fitness and capacity of such person to act as an attorney, and if the judge or judges as aforesaid shall be satisfied by such examination, or by the certificate of such examiners, as hereinafter mentioned, that such person is duly qualified and fit and competent to act as an attorney, then, and not otherwise, the said judge or judges shall, and he and they is and are hereby authorized and required to administer or cause to be administered to such person the oath hereinafter directed to be taken by attorneys and solicitors, in addition to the oath of allegiance, and after such oaths taken to cause him to be admitted an attorney of such court, and his name to be enrolled as an attorney of such court, which admission shall be written on parchment, and signed by such judge or judges respectively, and shall be stamped with the stamps by law required to be impressed on the admission of attorneys.

16. And for the purpose of facilitating the inquiry touching the due service under articles as aforesaid, and the fitness and capacity of any person to act as an attorney, be it enacted, That it shall be lawful for the judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, (or any eight or more of them, of whom the chiefs of the said courts shall be three), from time to time to nominate and appoint such persons to be examiners for the purposes aforesaid, and to make such rules and regulations for conducting such examination, as such judges shall think proper.

17. That it shall be lawful for the Master of the Rolls and he is hereby authorized and required, before he shall admit any person to be a solicitor, to examine and inquire, by such ways and means as he shall think proper, touching the fitness and capacity of such person to act as a solicitor, and for that purpose from time to time to appoint such persons as examiners, and to make such orders and regulations for conducting such examination, as he shall think proper; and if the Master of the Rolls shall, by such examination, or by the certificate of such examiners, be satisfied that such person is duly qualified to be admitted to act as a solicitor, then, and not otherwise, the Master of the Rolls shall and he is hereby authorized to administer or cause to be administered to such person the oath hereinafter directed to be taken by attorneys and solicitors, in addition to the oath of allegiance, and after such oaths taken to cause him to be admitted a solicitor in the Court of Chancery, and his name to be enrolled as a solicitor in such court, which admission shall be written on parchment, and signed by the Master of the Rolls, and shall be stamped with the stamps by law required to be impressed on the admission of solicitors.

18. That it shall be lawful for the Master of the Rolls, jointly with the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer, or with any eight or more of them, (of whom the chiefs of the said courts shall be three), if they shall see fit so to do, to nominate and appoint examiners, and to make rules and regulations for conducting the examinations of persons applying to be admitted as attorneys and solicitors, as well touching the articles and service as the fitness and capacity of such persons to act both as attorneys and solicitors; and if the Master of the Rolls or any of the judges of the said courts of common law shall, by such examination, or by the certificate of such examiners, be satisfied that such person is duly qualified to be admitted to act as an attorney and solicitor, then, and not otherwise, the Master of the Rolls as to the Court of Chancery, and one of the judges as to the said courts of law at Westminster, shall and he is hereby authorized to administer or cause to be administered to such person the oath hereinafter directed to be taken by solicitors and attorneys, in addition to the oath of allegiance, and after such oaths taken to cause him to be admitted an attorney and solicitor, and his name to be enrolled as an attorney of the said courts of law at

Westminster, and also a solicitor of the said High Court of Chancery, which admissions shall be written on parchment, and signed by the Master of the Rolls or one of the judges of the said courts of law at Westminster, as the case may be.

19. That every person who shall pursuant to this act apply to be admitted an attorney or solicitor shall, before he be admitted and inrolled as aforesaid, take and subscribe the oath, or, if he be one of the people called Quakers, the affirmation, following:

"I, A. B., do swear [or solemnly affirm, as the case may be,] That I will truly and honestly demean myself in the practice of an attorney [or solicitor, as the case may be,] according to the best of my knowledge and ability.

"So help me God."

20. That from and after the passing of this act the Masters of the several courts of law at Westminster, or such other persons or persons as the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, shall for that purpose severally and respectively appoint, shall be deemed and taken to be the proper officers for filing such affidavits as aforesaid in the said respective courts, and they shall have the custody and care of the rolls or books wherein persons are at present inrolled as attorneys in the said respective courts, and shall and they are hereby respectively required from time to time, without fee or reward, other than such sum or sums as are mentioned in the second schedule hereunto annexed, to enrol the name of every person who shall be admitted an attorney in the said respective courts, pursuant to the directions in this act, and the time when admitted, in alphabetical order, in rolls or books to be provided and kept for that purpose in their several and respective offices; and also that the Queen's remembrancer in the Court of Exchequer or his deputy, and the chief clerk of the court of the duchy chamber of Lancaster at Westminster or his deputy, and the prothonotaries of the courts of the counties palatine of Lancaster and Durham or their deputies, or such person or persons as the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer shall jointly appoint, shall have the custody and care of the rolls or books wherein persons are at present inrolled as attorneys and solicitors in the said last-mentioned respective courts, which said prothonotaries of the courts of the counties palatine of Lancaster and Durham or their deputies, or such person or persons as shall be appointed as last mentioned, shall be deemed and taken to be the proper officers for filing such affidavits as hereinbefore mentioned in the Court of Common Pleas at Lancaster and the Court of Pleas at Durham respectively; and he and they is and are hereby respectively required from time to time, without fee or reward, other than such sum or sums of money as are now payable, to enrol the name of every person who shall be admitted an attorney in the said last-mentioned respective courts pursuant to the directions in this act, and the time when admitted, in alphabetical order, in rolls or books to be provided and kept for that purpose in their several and respective offices; and also that the senior clerk of the petty bag office in the Court of Chancery, or his deputy, the chief clerk of the duchy chamber of Lancaster at Westminster, or his deputy, the registrars of the respective courts of equity in the counties palatine of Lancaster and Durham, or such other person or persons as the Master of the Rolls shall for that purpose appoint, shall have the custody and care of the rolls or books wherein persons are at present inrolled as solicitors, and which said clerk of the petty bag office, or such other person or persons as shall be appointed as last mentioned, shall be deemed and taken as the proper officer or officers for filing such affidavits as hereinbefore mentioned in the Court of Chancery; and he and they is and are hereby also respectively required from time to time, without fee or reward other than as last aforesaid, to enrol the name of every person who shall be admitted a solicitor pursuant to the directions in this act, and the time when admitted, in alphabetical order, in rolls or books to be kept for that purpose, to which rolls or books in the said courts of law or equity respectively all persons shall and may have free access, without fee or reward.

21. That from and after the passing of this act there shall be a registrar of attorneys and solicitors, and that it shall be the duty of such registrar to keep an alphabetical roll or book, or rolls or books, of all attorneys and solicitors, and to issue certi-

ficates of persons who have been admitted and inrolled as attorneys or solicitors, and are entitled to take out stamped certificates authorizing them to practise as such; and it shall be lawful to and for the Lord Chief Justice of her Majesty's Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, (or any three of them, of whom the Master of the Rolls shall be one), to make such orders, directions, and regulations touching the performance and execution of the duties aforesaid as they shall think proper; and such registrar, or some person duly appointed by him, shall have free access to and shall be at liberty from time to time to examine and take copies or extracts, without fee or reward, of all rolls or books kept for the inrolment of attorneys and solicitors in any of the courts at Westminster, and for the inrolment of attorneys and solicitors in the court of the duchy of Lancaster, or court of the duchy chamber of Lancaster at Westminster, or in any courts of the counties palatine of Lancaster and Durham; and that the duties of such office of registrar shall be performed by the incorporated "Society of Attorneys, Solicitors, Proctors, and others, not being Barristers, practising in the Courts of Law and Equity of the United Kingdom," whether by their present or any future charter of incorporation, unless and until the Lord Chief Justice of the Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, (or any three of them, of whom the Master of the Rolls shall be one), shall, by any order under their hands, which order they are hereby authorized and empowered to make, appoint any fit and proper person to perform the said duties in the place and stead of the said society, (which said person shall be called the registrar of attorneys and solicitors, and shall hold such office or employment during pleasure only), and so from time to time to appoint any other fit and proper person, or the said society, to perform the said duties during pleasure.

22. That from and after the 15th day of November next it shall not be lawful for the commissioners of stamps and taxes, or any of their officers, to grant or issue to any person any stamped certificate authorizing such person to practise as an attorney or solicitor, unless nor until he shall leave with the said commissioners, or their proper officer, at the head office for stamps and taxes at Somerset House in the county of Middlesex, a certificate from such registrar as aforesaid that such person is an attorney or solicitor, and entitled to take out such stamped certificate; and the said commissioners, or their proper officer, shall deliver to the said registrar, on the 6th day of April in every year, or so soon afterwards as the said registrar shall apply for the same, all such registrar's certificates under the authority of which any stamped certificates shall have been granted or issued since the 15th day of November preceding, with a note or memorandum indorsed or written thereon respectively by the proper officer of the said commissioners, stating the date of the stamped certificate granted or issued in respect thereof, and shall from time to time afterwards, whenever application shall be made for that purpose by the said registrar, deliver to him all such other registrar's certificates under the authority of which any stamped certificates shall have been granted or issued upon or after the 6th day of April and before the 16th day of November in every year, with a like note or memorandum indorsed or written thereon respectively as aforesaid.

23. That for the purpose of obtaining such registrar's certificate as aforesaid a declaration in writing, signed by such attorney or solicitor or by his partner, or in case such attorney or solicitor shall reside more than twenty miles from London, then by his London agent on his behalf, containing his name and place of residence, and the court or one of the courts of which he is then admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted, shall be delivered to the said registrar, who shall cause all the particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons without fee or reward; and the said registrar shall, after the expiration of six days after the delivery of such declaration, (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the said roll of attorneys or solicitors), deliver to the said attorney or solicitor, or to his agent, on demand, a certificate in the form set forth in the third schedule to this act annexed, and which last-mentioned certificate shall be delivered



to and left with the commissioners of stamps and taxes as hereinbefore directed.

24. That in case the said registrar shall decline to issue such certificate as he is hereinbefore directed and required to give, the party so applying for the same, if an attorney, shall and may apply to any of the said courts of law at Westminster, or to any judge thereof, or, if a solicitor, to the Master of the Rolls, who are hereby respectively authorized to make such order in the matter as shall be just, and to order payment of costs by and to either of the parties, if they shall see fit.

25. That if any attorney or solicitor shall neglect to procure an annual stamped certificate authorising him to practise as such within the time by law appointed for that purpose, then and in such case the said registrar shall not afterwards grant a certificate to such attorney or solicitor without the order of the Master of the Rolls in the case of a solicitor, or of one of the Courts of Queen's Bench, Common Pleas, or Exchequer, or of one of the judges thereof, in the case of an attorney, authorizing such registrar to issue such certificate; and it shall be lawful for the Master of the Rolls, or for such court or judge, to make such order, upon such terms and conditions as he or they shall think fit.

26. That no person who as an attorney or solicitor shall sue, prosecute, defend, or carry on any action or suit, or any proceedings, in any of the courts aforesaid, without having previously obtained a stamped certificate which shall be then in force, shall be capable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him as an attorney or solicitor as aforesaid whilst he shall have been without such certificate as last aforesaid.

27. That every person who shall have been duly admitted an attorney of any one of the superior courts of law at Westminster shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as an attorney in any other of the said courts, or in any inferior court of law in England and Wales, upon signing the roll of such other court, but not otherwise, and shall thereupon be entitled to practise as an attorney therein in like manner as if he had been sworn in and admitted an attorney of such court; provided always, that no additional fee besides those payable by virtue of this act shall be demanded or paid; and that every person who shall have been duly admitted a solicitor of the High Court of Chancery shall be entitled, upon the production of his admission therein, or an official certificate thereof, and that the same still continues in force, to be admitted as a solicitor in any inferior court of equity in England and Wales, and in the Court of Bankruptcy, upon signing the roll of such other court, but not otherwise, and shall thereupon be entitled to practise as a solicitor therein in like manner as if he had been sworn in and admitted a solicitor of such court; provided also, that no additional fee besides those payable by virtue of this act shall be demanded or paid.

28. That no person who shall have duly served his clerkship under articles in writing, pursuant to the provisions of this act, shall be prevented or disqualified from being admitted and inrolled as an attorney or solicitor, nor liable to be struck off the roll if admitted, by reason or in consequence of the attorney or solicitor to whom he may have been bound by such articles having been after such service struck off the roll; provided that such clerk or person be otherwise entitled to be admitted and inrolled, according to the provisions hereinbefore contained.

29. That no person who has been admitted and inrolled shall be liable to be struck off the roll for or on account of any defect in the articles of clerkship, or in the registry thereof, or in his service under such articles, or in his admission and inrollment, unless the application for striking him off the roll be made within twelve months from the time of his admission and inrollment; provided that such articles, registration, service, admission, or inrollment be without fraud.

30. That, until the same shall be varied or altered pursuant to the provision hereinafter contained, the several sums of money mentioned in the second schedule to this act annexed shall and may be taken and received for the services and purposes mentioned and specified therein: Provided always, that it shall be lawful to and for the Lord Chief Justice of her Majesty's Court of Queen's Bench, the Master of the Rolls, the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of Exchequer, (or any three of them,

of whom the Master of the Rolls shall be one), from time to time to diminish or increase the said sums or any of them, as they shall see fit, so that by such diminution they be not reduced to less than one half, or by such increase be not made to exceed by more than one half the amount mentioned in the said schedule; provided also, that it shall be lawful for the Lord Chief Justices and the Lord Chief Baron to make any order or orders for the payment and appropriation of the same sums, so far as they concern the said courts of common law, to such persons and in such manner as they shall think proper; and that it shall be lawful for the Master of the Rolls to make any order or orders for the payment and appropriation of the same sums, so far as they concern the said High Court of Chancery, to such persons and in such manner as he shall think fit; and no greater or other fees, rewards, or sums than hereinbefore mentioned or referred to shall be taken or received on any pretence whatsoever.

31. That no attorney or solicitor who shall be a prisoner in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, shall or may, during his confinement in any gaol or prison, or within the limits, rules, or liberties of any gaol or prison, as an attorney or solicitor, in his own name or in the name of any other attorney or solicitor, sue out any writ or process, or commence or prosecute or defend any action or suit, in any courts of law or equity, or matter in bankruptcy; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid, and any attorney or solicitor permitting or empowering any such attorney or solicitor as aforesaid to commence, prosecute, or defend any action or suit in his name, shall be deemed to be guilty of a contempt of the court in which any such action or suit shall have been commenced or prosecuted, and punishable by the said courts accordingly, upon the application of any person complaining thereof; and such attorney or solicitor so commencing, prosecuting, or defending any action or suit as aforesaid shall be incapable of maintaining any action or suit at law or in equity for the recovery of any fee, reward, or disbursement for or in respect of any business, matter, or thing done by him whilst such prisoner as aforesaid, in his own name or in the name of any other attorney or solicitor.

32. That if any attorney or solicitor shall wilfully and knowingly act as agent in any action or suit in any court of law or equity, or matter in bankruptcy, for any person not duly qualified to act as an attorney or solicitor as aforesaid, or permit or suffer his name to be anyways made use of in any such action, suit, or matter upon the account or for the profit of any unqualified person, or send any process to such unqualified person, or do any other act thereby to enable such unqualified person to appear, act, or practise in any respect as an attorney or solicitor in any suit at law or in equity, knowing such person not to be duly qualified as aforesaid, and complaint shall be made thereof in a summary way to any of the said superior courts wherein such attorney or solicitor has been admitted, and proof made thereof upon oath to the satisfaction of the court that such attorney or solicitor hath wilfully and knowingly offended therein as aforesaid, then and in such case every such attorney or solicitor so offending shall and may be struck off the roll, and for ever after disabled from practising as an attorney or solicitor; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit such unqualified person so acting or practising as aforesaid to the prison of the said court, without bail or mainprize, for any term not exceeding one year.

33. That no attorney or solicitor shall be capable to continue or be a justice of the peace for any county within that part of Great Britain called England, or the principality of Wales, during such time as he shall continue in the business and practice of an attorney or solicitor.

34. That the prohibition last hereinbefore contained shall not extend or be construed to extend to any city or town being a county of itself, or to any city, town, cinque port, or liberty having justices of the peace within their respective limits and precincts by charter, commission, or otherwise, but that in every such city, town, liberty, and place, attorneys or solicitors may be capable of being justices of the peace, and in such manner only as they might have been if this act had never been made, anything hereinbefore contained to the contrary thereof in anywise notwithstanding.

35. That from and after the passing of this act, in case any person shall in his own name or in the name of any other person sue out any writ or process, or commence, prosecute, or



defend any action or suit or any proceedings in any court of law or equity, without being admitted and inrolled as aforesaid, or being himself the plaintiff or defendant in such proceedings respectively, every such person shall and is hereby made incapable to maintain or prosecute any action or suit in any court of law or equity for any fee, reward, or disbursements on account of prosecuting, carrying on, or defending any such action, suit, or proceeding, or otherwise in relation thereto; and such offence shall be deemed a contempt of the court in which such action, suit or proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

36. That in case any person shall commence or defend any action, or sue out any writ, process, or summons, or carry on any proceedings, in the court commonly called the county court holden in any county in that part of Great Britain called England and Wales, who is not or shall not then be legally admitted an attorney or solicitor according to this act, or shall not himself be plaintiff or defendant in such proceeding respectively, such person shall and is hereby made incapable to maintain or prosecute any action or suit in any court of law or equity for any fee, reward, or disbursement on account of prosecuting, carrying on, or defending any such action, suit, or proceeding, or otherwise in relation thereto; and such offence shall be deemed a contempt of the court in which such action, suit, or proceeding shall have been prosecuted, carried on, or defended, and shall and may be punished accordingly.

37. That from and after the passing of this act no attorney or solicitor, nor any executor, administrator, or assignee of any attorney or solicitor, shall commence or maintain any action or suit for the recovery of any fees, charges, or disbursements for any business done by such attorney or solicitor, until the expiration of one month after such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall have delivered unto the party to be charged therewith, or sent by the post to or left for him at his counting-house, office of business, dwelling-house, or last known place of abode, a bill of such fees, charges, and disbursements, and which bill shall either be subscribed with the proper hand of such attorney or solicitor, (or, in the case of a partnership, by any of the partners, either with his own name or with the name or style of such partnership), or of the executor, administrator, or assignee of such attorney or solicitor, or be inclosed in or accompanied by a letter subscribed in like manner referring to such bill; and upon the application of the party chargeable by such bill within such month it shall be lawful, in case the business contained in such bill or any part thereof shall have been transacted in the High Court of Chancery, or in any other court of equity, or in any matter of bankruptcy or lunacy, or in case no part of such business shall have been transacted in any court of law or equity, for the Lord High Chancellor or the Master of the Rolls, and in case any part of such business shall have been transacted in any other court, for the Courts of Queen's Bench, Common Pleas, Exchequer, Court of Common Pleas at Lancaster, or Court of Pleas at Durham, or any judge of either of them, and they are hereby respectively required, to refer such bill, and the demand of such attorney or solicitor, executor, administrator, or assignee, thereupon to be taxed and settled by the proper officer of the court in which such reference shall be made, without any money being brought into court; and the court or judge making such reference shall restrain such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, from commencing any action or suit touching such demand pending such reference; and in case no such application as aforesaid shall be made within such month as aforesaid, then it shall be lawful for such reference to be made as aforesaid, either upon the application of the attorney or solicitor, or the executor, administrator, or assignee of the attorney or solicitor, whose bill may have been so as aforesaid delivered, sent, or left, or upon the application of the party chargeable by such bill, with such directions and subject to such conditions as the court or judge making such reference shall think proper; and such court or judge may restrain such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, from commencing or prosecuting any action or suit touching such demand pending such reference, upon such terms shall be thought proper: Provided always, that no such reference as aforesaid shall be directed upon an application made the party chargeable with such bill after a verdict shall have been obtained or a writ of inquiry executed in any action for the

recovery of the demand of such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, or after the expiration of twelve months after such bill shall have been delivered, sent, or left as aforesaid, except under special circumstances, to be proved to the satisfaction of the court or judge to whom the application for such reference shall be made; and upon every such reference, if either the attorney or solicitor, or executor, administrator, or assignee of the attorney or solicitor, whose bill shall have been delivered, sent, or left, or the party chargeable with such bill, having due notice, shall refuse or neglect to attend such taxation, the officer to whom such reference shall be made may proceed to tax and settle such bill and demand ex parte; and in case any such reference as aforesaid shall be made upon the application of the party chargeable with such bill, or upon the application of such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, and the party chargeable with such bill shall attend upon such taxation, the costs of such reference shall, except as hereinafter provided for, be paid according to the event of such taxation; that is to say, if such bill when taxed be less by a sixth part than the bill delivered, sent, or left, then such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, shall pay such costs; and if such bill when taxed shall not be less by a sixth part than the bill delivered, sent, or left, then the party chargeable with such bill, making such application or so attending, shall pay such costs; and every order to be made for such reference as aforesaid shall direct the officer to whom such reference shall be made to tax such costs of such reference to be so paid as aforesaid, and to certify what, upon such reference, shall be found to be due to or from such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, in respect of such bill and demand, and of the costs of such reference, if payable: Provided also, that such officer shall in all cases be at liberty to certify specially any circumstances relating to such bill or taxation, and the court or judge shall be at liberty to make thereupon any such order as such court or judge may think right respecting the payment of the costs of such taxation: Provided also, that where such reference as aforesaid shall be made when the same is not authorized to be made except under special circumstances, as hereinbefore provided, then the said court or judge shall be at liberty, if it shall be thought fit, to give any special directions relative to the costs of such reference: Provided also, that it shall be lawful for the said respective courts and judges, in the same cases in which they are respectively authorized to refer a bill which has been so as aforesaid delivered, sent, or left, to make such order for the delivery by any attorney or solicitor, or the executor, administrator, or assignee of any attorney or solicitor, of such bill as aforesaid, and for the delivery up of deeds, documents, or papers in his possession, custody, or power, or otherwise touching the same, in the same manner as has heretofore been done as regards such attorney or solicitor, by such courts or judges respectively, where any such business had been transacted in the court in which such order was made: Provided also, that it shall not in any case be necessary in the first instance for such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, in proving a compliance with this act, to prove the contents of the bill he may have delivered, sent, or left, but it shall be sufficient to prove that a bill of fees, charges, or disbursements, subscribed in the manner aforesaid, or inclosed in or accompanied by such letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other party to shew that the bill so delivered, sent, or left, was not such a bill as constituted a bona fide compliance with this act: Provided also, that it shall be lawful for any judge of the superior courts of law or equity to authorize an attorney or solicitor to commence an action or suit for the recovery of his fees, charges, or disbursements against the party chargeable therewith, although one month shall not have expired from the delivery of a bill as aforesaid, on proof to the satisfaction of the said judge that there is probable cause for believing that such party is about to quit England.

38. That where any person, not the party chargeable with any such bill within the meaning of the provisions hereinbefore contained, shall be liable to pay or shall have paid such bill either to the attorney or solicitor, his executor, administrator, or assignee, or to the party chargeable with such such bill as aforesaid, it shall be lawful for such person, his executor, administrator, or assignee, to make such application for a refer-

ence for the taxation and settlement of such bill as the party chargeable therewith might himself make, and the same reference and order shall be made thereupon, and the same course pursued in all respects; as if such application was made by the party so chargeable with such bill as aforesaid: Provided always, that in case such application is made when, under the provisions herein contained, a reference is not authorized to be made except under special circumstances, it shall be lawful for the court or judge to whom such application shall be made to take into consideration any additional special circumstance applicable to the person making such application; although such circumstances might not be applicable to the party so chargeable with the said bill as aforesaid if he was the party making the application.

39. That it shall be lawful, in any case in which a trustee, executor, or administrator has become chargeable with any such bill as aforesaid, for the Lord High Chancellor or the Master of the Rolls, if in his discretion he shall think fit, upon the application of a party interested in the property out of which such trustee, executor, or administrator may have paid or be entitled to pay such bill, to refer the same, and such attorney's or solicitor's, or executor's, administrator's, or assignee's demand thereupon, to be taxed and settled by the proper officer of the High Court of Chancery, with such directions and subject to such conditions as such judge shall think fit, and to make such order as such judge shall think fit for the payment of what may be found due, and of the costs of such reference, to or by such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, by or to the party making such application, having regard to the provisions herein contained relative to applications for the like purpose by the party chargeable with such bill, so far as the same shall be applicable to such cases, and in exercising such discretion as aforesaid, the said judge may take into consideration the extent and nature of the interest of the party making the application: Provided always, that where any money shall be so directed to be paid by such attorney or solicitor, or the executor, administrator, or assignee of such attorney or solicitor, it shall be lawful for such judge, if he shall think fit, to order the same, or any part thereof, to be paid to such trustee, executor, or administrator so chargeable with such bill, instead of being paid to the party making such application; and when the party making such application shall pay any money to such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, in respect of such bill, he shall have the same right to be paid by such trustee, executor, or administrator so chargeable with such bill as such attorney or solicitor, or executor, administrator, or assignee of such attorney or solicitor, had.

40. That for the purpose of any such reference upon the application of the person not being the party chargeable within the meaning of the provisions of this act as aforesaid, or of a party interested as aforesaid, it shall be lawful for such court or judge to order any such attorney or solicitor, or the executor, administrator, or assignee of any such attorney or solicitor, to deliver to the party making such application a copy of such bill, upon payment of the costs of such copy: Provided always, that no bill which shall have been previously taxed and settled shall be again referred unless, under special circumstances, the court or judge to whom such application is made shall think fit to direct a re-taxation thereof.

41. That the payment of any such bill as aforesaid shall in no case preclude the court or judge to whom application shall be made from referring such bill for taxation, if the special circumstances of the case shall in the opinion of such court or judge appear to require the same, upon such terms and conditions and subject to such directions as to such court or judge shall seem right, provided the application for such reference be made within twelve calendar months after payment.

42. That in all cases in which such bill shall have been referred to be taxed and settled, the officer to whom such reference is made shall be at liberty to request the proper officer of any other court having such an officer to assist him in taxing and settling any part of such bill, and such officer so requested shall thereupon proceed to tax and settle the same, and shall have the same powers, and may receive the same fees in respect thereof, as upon a reference to him by the court of which he is such officer, and shall return the same, with his opinion thereon, to the officer who shall have so requested him to tax and settle the same; and the officer to whom such reference is made shall not be paid any fee for that portion of the bill which

shall have been so taxed and settled by the officer of such other court at his request.

43. That all applications made under this act to refer any such bill as aforesaid to be taxed and settled, and for the delivery of such bill, and for the delivering up of deeds, documents, and papers, shall be made in the matter of such attorney or solicitor; and that upon the taxation and settlement of any such bill the certificate of the officer by whom such bill shall be taxed shall (unless set aside or altered by order, decree, or rule of court) be final and conclusive as to the amount thereof, and payment of the amount certified to be due and directed to be paid may be enforced according to the course of the court in which such reference shall be made; and in case such reference shall be made in any court of common law, it shall be lawful for such court or any judge thereof to order judgment to be entered up for such amount, with costs, unless the retainer shall be disputed, or to make such other order thereon as such court or judge shall deem proper.

44. That every person who at the time of the passing of this act shall have completed his period of service according to the laws in force at the time of the passing of this act, but shall not have been admitted an attorney or solicitor in pursuance of such service, shall, if otherwise qualified, be capable of being admitted and inrolled an attorney or solicitor, in pursuance of the provisions of this act, in the same manner in all respects as if he was actually bound by contract in writing at the time of the passing of this act.

45. That all persons who previously to the 1st day of January, 1843, shall have been duly admitted and inrolled attorneys or solicitors of any of the courts of law or equity at Westminster, or of the courts of the duchy chamber of Lancaster at Westminster, or of the courts of the counties palatine of Lancaster and Durham, or either of them, shall and may be admitted and inrolled attorneys and solicitors in the said High Court of Chancery, or all or any of the said Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, in pursuance of the provisions of this act, without examination, upon payment of such duty as by law required: Provided always, that upon such admission being duly perfected such persons shall be considered to have been attorneys and solicitors of such court in which they shall be so admitted from the date of their first admission into any other of the said courts, provided that such admission be perfected on or before the first day of Michaelmas Term, 1844; and provided also, that until such attorneys and solicitors of the said courts of the duchy chamber of Lancaster at Westminster, or of the said courts of the counties palatine of Lancaster and Durham, or either of them, shall be admitted and inrolled in the said High Court of Chancery, or in all or any of the said Courts of Queen's Bench, Common Pleas, or Exchequer at Westminster, it shall be lawful for any attorney or solicitors to act as their agents in any action, suit, or other proceeding in the said courts of the duchy chamber of Lancaster at Westminster, or of the counties palatine of Lancaster and Durham.

46. That nothing in this act contained shall extend or be construed to extend to the examination, swearing, admission, or inrollment of the clerks of the petty bag office or of the clerks of the Queen's coroner and attorney in the Court of Queen's Bench for the time being, but that the said clerks respectively shall and may be examined, sworn, admitted, and practise in their respective courts and offices in like manner as they might have been or done before the making of this act.

47. That this act, or anything herein contained shall not extend or be construed to extend to the examination, swearing, admission, or inrollment, or any rights or privileges of any persons appointed to be solicitors of the treasury, customs, excise, post office, stamp duties, or any other branch of her Majesty's revenue, or to the solicitor of the city of London, or to the assistant of the council for the affairs of the admiralty or navy, or to the solicitor to the board of ordnance.

48. That in the construction of this act the word "month" shall be taken to mean a calendar month; and every word importing the singular number only shall extend and be applied to several persons, matters, or things, as well as one person, matter, or thing; and every word importing the plural number shall extend and be applied to one person, matter, or thing as well as several persons, matters, or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "person" shall extend to any body politic, corporate, or collegiate, municipal, civil, or ecclesiastical, aggregate or sole, as well as an

individual, unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

(9) That this act may be amended or repealed by any act to be passed in the present session of Parliament.

## SCHEDULES TO WHICH THE FOREGOING ACT REFERS.

### THE FIRST SCHEDULE.

IN FIRST PART, containing a Description of the Acts and Parts of Acts repealed by this Act.

[After Date of Act, and Title, the Extent of Repeal is put in Italic.]

15 Edw. 2, c. 1.—An act concerning the acknowledgment of fees, and admitting attorneys.—*So much as relates to regulating the admission of attorneys.*

4 Hen. 4, c. 18.—An act for regulating attorneys.—*The whole.*

4 Hen. 4, c. 19.—An act for providing that no officer of a lord of a franchise shall be attorney within the same.—*The whole.*

1 Hen. 5, c. 4.—An act as to sheriffs, bailiffs, &c.—*So much as provides that no under-sheriff shall be attorney in the King's court during the time he is in office.*

18 Hen. 6, c. 9.—An act touching filing warrants of attorney.—*The whole.*

33 Hen. 6, c. 7.—An act for regulating the number of attorneys in Norfolk, Suffolk, and Norwich.—*The whole.*

32 Hen. 8, c. 30.—An act concerning mispleading, jeofails, and attorney.—*So much as relates to entering warrants of attorney.*

18 Eliz. c. 14, s. 3.—An act for reformation of jeofails.—*So much as relates to filing warrants of attorney.*

3 Jac. 1, c. 7.—An act to reform the multitudes and misdeemeanors of attorneys and solicitors at law, and to avoid unnecessary suits and charges in law.—*The whole.*

4 Anne, c. 16.—An act for the amendment of the law, and the better advancement of justice.—*So much as relates to the filing warrants of attorney.*

2 Geo. 2, c. 23.—An act for the better regulation of attorneys and solicitors.—*The whole.*

5 Geo. 2, c. 18.—An act for the further qualification of justices of the peace.—*So much as excludes attorneys and solicitors from acting as justices of the peace.*

6 Geo. 2, c. 27.—An act to explain and amend an act made in the 2nd year of his present Majesty's reign, intitled "An Act for the better Regulation of Attornies and Solicitors."—*The whole.*

12 Geo. 2, c. 13.—An act for continuing an act made in the 8th year of her Majesty Queen Anne, to regulate the price and assize of bread; and for continuing, explaining, and amending the act made in the second year of the reign of his present Majesty, for the better regulation of attorneys and solicitors.—*So much as relates to attorneys and solicitors.*

12 Geo. 2, c. 46.—An act to continue several laws for preventing exactions of the occupiers of locks and weirs upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attorneys and solicitors, and for the regulating the price and assize of bread, and for preventing the spreading of the distemper amongst horned cattle; and also for making further regulations with respect to attorneys and solicitors, and further preventing the spreading of the distemper amongst horned cattle, and for the frequent return of writs in the counties palatine of Chester and Lancaster; and for ascertaining the method of levying rates of execution against the inhabitants of hundreds; and for allowing Quakers to make affirmation where an oath is or shall be required.—*So much as relates to attorneys and solicitors.*

23 Geo. 2, c. 26.—An act to continue several laws for the better regulation of pilots, for the conducting of ships and vessels from Dover, Deal, and Isle of Thanet, up the river Thames to Medway; and for permitting rum and spirits of the British sugar plantations to be landed before the duties of excise be paid thereon; and to continue and amend an act for the preventing frauds in the admeasurement of coals in the city and liberty of Westminster, and several parishes near thereunto; and to continue several laws for preventing exactions of occupiers of locks and weirs upon the river Thames westward, and

for ascertaining the rates of water carriage upon the said river; and for the better regulating and government of seamen in the merchant service; and also to amend so much of an act made in the first year of the reign of King George the First as relates to the better preservation of salmon in the river Ribble; and to regulate fees in trials at assizes in Nisi Prius upon records issuing out of the office of pleas of the Court of Exchequer; and for the apprehending of persons in any county or place upon warrants granted by justices of the peace in any other county or place; and to repeal so much of an act made in the twelfth year of the reign of King Charles the Second as relates to the time during which the office of the excise is to be kept open each day, and to appoint for how long time the same shall be kept open upon each day for the future; and to prevent the stealing and destroying of turnips; and to amend an act made in the second year of his present Majesty, for the better regulation of attorneys and solicitors.—*So much as relates to attorneys and solicitors.*

30 Geo. 3, c. 19.—An act for granting to his Majesty several rates and duties upon indentures, leases, bonds, and other deeds; and upon newspapers, advertisements, and almanacks; and upon licenses for retailing wine; and upon coals exported to foreign parts; and for applying, for a certain time, the sums of money arising from the surplus of the duties on licenses for retailing spirituous liquors; and for raising the sum of three millions by annuities, to be charged on the said rates, duties, and sums of money; and for making perpetual an act made in the second year of the reign of his present Majesty, intitled "An Act for the better Regulation of Attornies and Solicitors;" and for enlarging the time for filing affidavits of the execution of contracts of clerks to attorneys and solicitors, and also the time for payment of the duties omitted to be paid for the indentures and contracts of clerks and apprentices.—*So much as enacts that the said act made in the second year of his said Majesty's reign, intitled "An Act for the better Regulation of Attornies and Solicitors," should be continued and made perpetual.*

37 Geo. 3, c. 90.—An act for granting to his Majesty certain stamp duties on the several matters therein mentioned, and for better securing the duties on certificates to be taken out by solicitors, attorneys, and others.—*So much as renders every person admitted an attorney or solicitor in any of the courts therein mentioned or referred to, who shall neglect for one whole year to obtain such certificate as therein mentioned, incapable of practising, and directs that the admission of such person in any of the courts shall be null and void; and so much as enacts that every certificate to be obtained under the same act shall be entered in one of the courts in which the person described therein shall be admitted, inrolled, sworn, or registered.*

1 & 2 Geo. 4, c. 48.—An Act to amend the several acts for the regulation of attorneys and solicitors.—*The whole, except so far as the attorneys and solicitors of Ireland are affected thereby.*

3 Geo. 4, c. 16.—An act to amend an act made in the last session of Parliament for amending the several acts for the regulation of attorneys and solicitors.—*The whole, except so far as the attorneys and solicitors of Ireland are affected thereby.*

1 & 2 Will. 4, c. 56.—An act to establish a Court of Bankruptcy.—*So much as relates to the admission and practising of attorneys and solicitors in the said courts.*

5 & 6 Will. 4, c. 11.—An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the 25th day of March, 1836; to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indenture of clerks to attorneys and solicitors, to make and file the same on or before the first day of Hilary Term, 1836; and to allow persons to make and file such affidavits, although the persons whom they served shall have neglected to take out their annual certificates.—*So much as relates to the service of any clerk and his admission and inrollment as an attorney or solicitor, or as to striking any person off the roll.*

6 & 7 Will. 4, c. 7.—An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the 25th day of March, 1837; to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of clerks to attorneys and solicitors, to make and file the same on or before the first day of Hilary Term, 1837; and to allow per-

sons to make and file such affidavits, although the persons whom they served shall have neglected to take out their annual certificates.—*So much as relates to striking any attorney or solicitor off the roll.*

1 Vict. c. 56.—An act for amending the several acts for the regulation of attorneys and solicitors.—*The whole.*

1 & 2 Vict. c. 45.—An act to extend the jurisdiction of the superior courts of common law; to amend cap. 56 of the 1st year of her present Majesty's reign, for regulating the admission of attorneys; and to provide for the taking of special bail in the absence of the judges.—*So much as relates to the admission and practising of attorneys and solicitors.*

7 Will. 4, c. 12.—An act to indemnify &c.

1 Vict. c. 16. Ditto Ditto.

2 & 3 Vict. c. 33. Ditto Ditto.

3 Vict. c. 16. Ditto Ditto.

4 Vict. c. 11. Ditto Ditto.

5 Vict. sess. 2, c. 10. Ditto Ditto.

6 Vict. c. 9. Ditto Ditto.

*So much as relates to striking any attorney or solicitor off the roll.*

#### THE SECOND PART, containing a Description of the Acts and Parts of Acts not repealed by this Act.

[After Date of Act, and Title, the Extent of Saving is put in Italic].

20 Hen. 3, c. 10.—An act for allowing attorneys to make suits to several courts.—*The whole.*

3 Edw. 1, c. 25.—An act against champerty.—*The whole.*

3 Edw. 1, c. 29.—An act inflicting penalty upon a serjeant or pleader committing deceit.—*The whole.*

3 Edw. 1, c. 33.—An act against maintainers of quarrels being suffered.—*The whole.*

3 Edw. 1, c. 42.—An act, viz. certain actions wherein after appearance the tenant shall not be essoined, but may make his attorney.—*The whole.*

6 Edw. 1, c. 8.—An act, amongst other things, that attorneys may be made where an appeal lieth not.—*The whole.*

13 Edw. 1, c. 10.—An act authorizing persons to make general attorneys in all pleas for or against them.—*The whole.*

13 Edw. 1, c. 49.—An act inflicting penalty for buying the title of land depending in suit, and a remedy for suit where the law fails.—*The whole.*

28 Edw. 1, c. 11.—An act that nothing shall be taken to maintain any action in suit.—*The whole.*

12 Edw. 2, c. 1.—An act that tenants in assize of novel disseisin may make attorneys.—*The whole.*

15 Edw. 2, c. 1.—An act concerning the acknowledgment of fines and admitting attorneys.—*So much as does not relate to attorneys.*

7 Rich. 2, c. 14.—An act that they which shall depart the realm by the King's license may make general attorneys.—*The whole.*

7 Hen. 4, c. 13.—An act that impotent persons that be outlawed may make attorneys.—*The whole.*

1 Hen. 5, c. 4.—An act that sheriffs' bailiffs shall not be in the same office in three years after; sheriffs' officers shall not be attorneys.—*So much as does not relate to attorneys.*

15 Hen. 6, c. 7.—An act that all persons, religious and secular, may make their general attorneys to sue or plead for them in every hundred and wapentake.—*The whole.*

3 Hen. 7, c. 1.—An act as to the authority of the Court of Star Chamber where one inquest shall inquire of the concealment of another; a coroner's duty after a murder committed; a justice of peace shall certify his recognizances.—*The whole.*

18 Eliz. c. 5.—An act to redress disorders in common informers.—*The whole.*

18 Eliz. c. 14.—An act for reformation of jeofails.—*The whole, except so much as relates to attorneys filing warrants of attorney.*

29 Eliz. c. 5.—An act for the continuance and perfecting of divers statutes.—*The whole.*

31 Eliz. c. 10.—An act for the continuance of divers statutes.—*The whole.*

4 & 5 Anne, c. 16.—An act for the amendment of the law and the better advancement of justice.—*The whole, except so much as relates to attorneys filing warrants of attorney.*

12 Geo. 1, c. 29.—An act to prevent frivolous and vexatious arrests.—*The whole.*

5 Geo. 2, c. 18.—An act for the further qualification of justices of the peace.—*The whole, except so much as relates to*

*incapacitating attorneys, solicitors, and proctors from being justices of the peace.*

12 Geo. 2, c. 13.—An act for continuing an act made in the 8th year of her late Majesty Queen Anne, to regulate the price and assize of bread, and for continuing, explaining, and amending the act made in the 2nd year of the reign of his present Majesty, for the better regulation of attorneys and solicitors.—*The whole, except so much as relates to attorneys and solicitors.*

22 Geo. 2, c. 46.—An act to continue several laws for preventing exactions of the occupiers of locks and weirs upon the river Thames westward, &c., and for amending the several laws for the better regulation of attorneys and solicitors, and for the regulating the price and assize of bread, and for preventing the spreading of the distemper amongst horned cattle, &c.—*The whole, except so much as relates to attorneys and solicitors.*

23 Geo. 2, c. 26.—An Act to continue several laws, for the better regulation of pilots, &c., and for permitting rum and spirits of the British sugar plantations to be landed before the duties of excise are paid thereon; and to continue and amend an act for the preventing frauds in the admeasurement of coals, &c.; and to continue several laws, for preventing exactions of occupiers of locks and weirs, &c., and to regulate fees in trials and assizes in Nisi Prius, upon records issuing out of the office of pleas of the Court of Exchequer, &c.; and to amend an act made in the 2nd year of his present Majesty, for the better regulation of attorneys and solicitors.—*The whole, except so much as relates to attorneys and solicitors.*

19 Geo. 3, c. 68.—An act for explaining, amending, and rendering more effectual an act passed in the 23rd year of the reign of his late Majesty King George the Second, for the more easy and speedy recovery of small debts within the Tower Hamlets.—*The whole.*

23 Geo. 3, c. 33.—An act for preventing delays and expenses in the county court of Middlesex, and for the more easy and speedy recovery of small debts in the said county court.—*The whole.*

24 Geo. 3, c. 42. (Local).—An act to explain and amend an act passed in the last session of Parliament, intitled "An Act for the more easy and speedy Recovery of Small Debts within the City and Liberty of Westminster and that Part of the Duchy of Lancaster which adjoineth thereto," and for making the said act more effectual.—*The whole.*

25 Geo. 3, c. 80.—An Act for granting to his Majesty certain duties on certificates to be taken out by solicitors, attorneys, and others, practising in certain courts of justice in Great Britain, and certain other duties with respect to warrants, mandates, and authorities to be entered or filed of record, &c. therein mentioned.—*The whole.*

30 Geo. 3, c. 19.—An act for granting to his Majesty several rates and duties upon indentures &c., and for making perpetual an act made in the 2nd year of the reign of his present Majesty, intitled "An Act for the better Regulation of Attorneys and Solicitors, and for enlarging the Time for filing Affidavits of the Execution of Contracts of Clerks to Attorneys and Solicitors, and also the Time for Payment of the Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices."—*The whole, except so much as enacts that the said act made in the 2nd year of his said Majesty's reign intitled "An Act for the better Regulation of Attorneys and Solicitors," should be continued and made perpetual.*

34 Geo. 3, c. 14.—An act for granting to his Majesty certain stamp duties on indentures of clerkships to solicitors and attorneys in any of the courts in England therein mentioned.—*The whole.*

37 Geo. 3, c. 90.—An act for granting to his Majesty certain stamp duties.—*The whole, except so much as renders every person admitted an attorney or solicitor in any of the courts therein mentioned or referred to, who shall neglect for one whole year to obtain such certificate as therein mentioned, incapable of practising, and directs that the admission of such person in any of the courts shall be null and void; except so much as enacts that every certificate to be obtained under the same act shall be entered in one of the courts which the person described therein shall be admitted, inrolled, sworn, or registered.*

39 & 40 Geo. 3, c. 104. (Local).—An act to explain, amend and render more effectual an act passed in the 3rd year of the reign of King James the First, intitled "An Act for the better covering of Small Debts in London," and an act passed in the 14th year of the reign of his late Majesty King George the Second, to explain and amend the above-mentioned act; and

likewise for extending the powers of the Court of Requests in the city of London in and by the said two several acts continued and established.—*The whole.*

44 Geo. 3, c. 59.—An act to indemnify solicitors, attorneys, and others who have neglected to enter certificates within the time limited by an act made in the 37th year of his present Majesty, and to amend so much of the said act as relates to the entering such certificates.—*The whole.*

44 Geo. 3, c. 98.—An act to repeal the several duties upon the commissioners for managing the duties upon stamped vellum, parchment, and paper in Great Britain, and to grant new and additional duties in lieu thereof.—*The whole.*

49 Geo. 3, c. 28.—An act to enable the clerks of the King's exchequer and attorney in the Court of King's Bench to be admitted as attorneys.—*The whole.*

52 Geo. 3, c. 63.—An act for more effectually preventing the embezzlement of securities for money and other effects left or deposited for safe custody or other special purpose in the hands of bankers, merchants, brokers, attorneys, or other agents.—*The whole.*

54 Geo. 3, c. 144.—An act for better securing the stamp duties on sea insurances made in London, and for altering the period for taking out stamp-office certificates by attorneys and others in England.—*The whole.*

55 Geo. 3, c. 184.—An act for repealing the stamp duty on deeds, law proceedings, and other written or printed instruments, and the duties on fire insurances, and on legacies and successions to personal estate upon intestacies, now payable in Great Britain; and for granting other duties in lieu thereof.—*The whole.*

1 & 2 Geo. 4, c. 48.—An act to amend the several acts for the regulation of attorneys and solicitors.—*So far as the attorneys and solicitors of Ireland are affected thereby.*

3 Geo. 4, c. 16.—An act to amend an act made in the last session of Parliament, for amending the several acts for the regulation of attorneys and solicitors.—*So far as the attorneys and solicitors of Ireland are affected thereby.*

6 Geo. 4, c. 16.—An act to amend the laws relating to bankrupts.—*The whole.*

7 & 8 Geo. 4, c. 29.—An act for consolidating and amending the law in England relative to larceny and other offences connected therewith.—*The whole.*

9 Geo. 4, c. 25.—An act to authorize the appointment of persons to act as solicitors on behalf of his Majesty in any court or jurisdiction in revenue matters.—*The whole.*

11 Geo. 4 & 1 Will. 4, c. 70.—An act for the more effectual administration of justice in England and Wales.—*The whole.*

1 & 2 Will. 4, c. 56.—An act to establish a Court of Bankruptcy.—*The whole, except so much as relates to the admission and practising of attorneys and solicitors in the said court.*

5 & 6 Will. 4, c. 11.—An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the 25th day of March, 1836; to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of apprentices to attorneys and solicitors to make and file the same on or before the first day of Hilary Term, 1836, and to allow persons to make and file such affidavits, although the persons on whom they served shall have neglected to take out their annual certificates.—*The whole, except so much as relates to the service of any clerk, and his admission and enrolment as an attorney or solicitor, or as to striking any attorney off the roll.*

7 & 7 Will. 4, c. 7.—The like.—*The whole, except so much as relates to striking any attorney or solicitor off the roll.*

2 & 2 Vict. c. 45.—An act to extend the jurisdiction of the superior courts of common law; to amend chapter fifty-six of the first year of her present Majesty's reign, for regulating the admission of attorneys; and to provide for the taking of special verdicts in the absence of the judges.—*The whole, except so much as relates to the admission and practising of attorneys and solicitors.*

4 & 4 Vict. c. 16.—An act to indemnify such persons in the United Kingdom as have omitted to qualify themselves for offices and employments, and for extending the time limited for those purposes respectively until the 25th March, 1841; and for the relief of clerks to attorneys and solicitors in certain cases.—*The whole, except so much as relates to striking any attorney or solicitor off the roll.*

7 Will. 4, c. 12.—An act to indemnify, &c.  
1 Vict. c. 16. Ditto Ditto.  
2 & 3 Vict. c. 33. Ditto Ditto.  
3 Vict. c. 16. Ditto Ditto.  
4 Vict. c. 11. Ditto Ditto.  
5 Vict. Sess. 2, c. 10. Ditto Ditto.  
6 Vict. c. 9. Ditto Ditto.

*The whole, except so much as relates to striking any attorney or solicitor off the roll.*

## THE SECOND SCHEDULE.

<i>Persons entitled to receive the Fees.</i>	<i>Duties to be performed.</i>	<i>Amount of Fees in each Case.</i>
The person appointed for that purpose under sects. 8, 11, 20.	On filing every affidavit of execution of articles of clerkship, entering affidavit, and making the endorsements required by the act .....	£ s. d. 0 5 0
The Incorporated Law Society.	On leaving articles and assignments for inspection, and inquiry as to due service previous to examination for admission in the courts at Westminster ..	0 10 0
The Incorporated Law Society.	For the examination and certificate of fitness and capacity for admission in the courts at Westminster ..	2 2 0
The officer appointed for that purpose under sects. 8, 11, 20.	Search for and delivery of affidavit of execution of articles, to be produced on applying for admission ..	0 2 6
The clerk of the judge granting the fiat.	For fiat at common law ....	1 1 0
The crier .....	For the oath .....	0 1 0
The usher .....	On signing the roll .....	0 5 0
The Master's clerk	For certificate of enrolment in any of the courts at Westminster .....	0 10 0
The officer appointed by the Master of the Rolls.	For admission at the Rolls, including the fees of the clerk at the Petty Bag Office, usher, and porter ...	1 17 0
The officer appointed by the Court of Bankruptcy.	For admission in the Court of Bankruptcy .....	0 6 0
The registrar of attorneys and solicitors.	Preparing and keeping an alphabetical roll of all the attorneys of the courts of law and solicitors in equity, and for issuing each certificate .....	0 1 6

## THE THIRD SCHEDULE.

*Form of Registrar's Certificate.*

Pursuant to an act made and passed in the — year of the reign of Queen Victoria, intituled "An Act for consolidating and amending several of the Laws relating to Attorneys and Solicitors practising in England and Wales," I A. B., registrar of attorneys and solicitors, appointed under the said act, [or I C. D. — of the society of attorneys, solicitors, proctors, and others, not being barristers practising in the courts of law and equity of the United Kingdom, authorized to perform the duties of the office of registrar of attorneys and solicitors under the said act,] do hereby certify, that E. F. of — hath this day delivered and left with me a declaration in writing, signed by the said E. F. [or by G. H. his partner, or by I. K. his London agent, on his behalf,] containing his name and place of residence, and the court or one of the courts of which he is admitted an attorney or solicitor, together with the term and year in or as of which he was so admitted: And I do further certify, that the said E. F. is duly enrolled an attorney in the court of — and a solicitor in the High Court of Chancery, and is entitled to take out a stamped certificate authorizing him to practise as an attorney and solicitor. In witness

whereof I have this — day of — in the year — set my hand hereto. (Signed) —

To the Commissioners of Stamps and Taxes.

A stamped certificate was issued to the above-named E. F. the — day of — in the year —. (Signed) —

(To be continued).

## London Gazette.

TUESDAY, SEPTEMBER 12.

### INSOLVENT.

**JOHN HALLS**, Wilkes-street, Spitalfields, braid manufacturer.

### BANKRUPTS.

**RICHARD SHARPE**, jun., Faversham, Kent, draper, Sept. 19 at half-past 2, and Oct. 16 at 11, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Reed & Shaw, 2, Friday-street, Cheapside.—Fiat dated Sept. 4.

**CHARLES PEARSALL**, Anderton, Cheshire, boiler maker and salt-pan manufacturer, Sept. 22 and Oct. 12 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Holland & Green, Northwich, Cheshire; Field & Co., 41, Bedford-row, London.—Fiat dated Sept. 4.

**THOMAS JOHNSON**, Great Bridge, Staffordshire, draper, Sept. 19 and Oct. 14 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Nicholls & Pardoe, Bewdley.—Fiat dated Aug. 29.

**WILLIAM JAMES HOLT**, Grantham, Lincolnshire, tea dealer and grocer, Sept. 26 at half-past 12, and Nov. 2 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Bray, Birmingham; Hill & Matthew, St. Mary Axe, London.—Fiat dated Aug. 29.

### MEETINGS.

*Jas. Goddard and Holland Goddard*, Market Harborough, Leicestershire, bankers, Oct. 5 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—*J. Corbett Adams*, Basinghall-street, London, woollen warehouseman, Oct. 7 at 11, Court of Bankruptcy, London, last ex.—*Jas. Clark*, Seckford-street, Clerkenwell, Middlesex, baker, Sept. 22 at 11, Court of Bankruptcy, London, and ac.—*Samuel Jacobson*, Newcastle-upon-Tyne, picture dealer, Oct. 5 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Todd*, Hylton-ferry, Durham, ship builder, Oct. 10 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 11 at 1, div.—*John Goodchild Pallister* and *James May Butterfield Newrick*, Sunderland, Durham, grocers, Oct. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 10 at 11, fin. div.—*John Fletcher*, Maryport, Cumberland, boiler manufacturer, Oct. 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 4 at 11, div.—*Thos. Walker*, Haughton-le-Skerne, Durham, grocer, Oct. 3 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 4 at 1, fin. div.—*Thomas Bell*, Newcastle-upon-Tyne, tea dealer, Oct. 9 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*M. Jackson*, East Thickey Steam-mill, St. Andrew Auckland, Durham, miller, Oct. 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John Wood*, Cardiff, Glamorganshire, banker, Oct. 4 at 11, District Court of Bankruptcy, Bristol, and ac.—*Timothy Bourne*, Liverpool, cotton broker, Oct. 6 at 11, District Court of Bankruptcy, Liverpool, and ac.—*Thos. Parker*, *John Parker*, *John Rawlinson*, *Wm. Abbott*, *Joshua Hanson*, *Jos. Bell*, *Thos. Chadwick*, *Abram Emusley*, *Rob. Kershaw*, *John Musgrave*, *Jos. Wooler*, *Thos. Pullan*, *John Shaw*, and *George Eastburn*, Woodhouse Carr, Leeds, Yorkshire, dyers, Oct. 5 at 11, District Court of Bankruptcy, Leeds, and ac.; Oct. 5 at 11, div.—*Henry Merridew*, Coventry, ribbon manufacturer, Oct. 12 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Samuel Teague*, Birmingham, builder, Oct. 7 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.—*Charles Holebrook*, Uttoxeter, Staffordshire, plumber, Oct. 7 at 1, District Court of Bankruptcy, Birmingham, and ac.—*Thos. Bell*, Newcastle-upon-Tyne, tea dealer, Oct. 10 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Jas. Parke*, Liverpool, druggist, Oct. 3 at 11, District Court of Bankruptcy, Liverpool, div.—*Swanwick Boult* and *Thos. Addison*, Liverpool, stock brokers, Oct. 4 at 11, District Court of Bank-

ruptcy, Liverpool, div.—*Timothy Bourne*, Liverpool, cotton broker, Oct. 7 at 11, District Court of Bankruptcy, Liverpool div.

### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Fred. Robert*, New Bond-street, merchant, Oct. 5 at Court of Bankruptcy, London.—*J. Beattie*, Shoe-lane, grocer Oct. 5 at 12, Court of Bankruptcy, London.—*John Burns*, Commercial-place, Commercial-road, engineer, Oct. 14 at 1 Court of Bankruptcy, London.—*John Davies*, Westminster road, Lambeth, linen draper, Oct. 4 at half-past 2, Court Bankruptcy, London.—*Mich. Jackson*, East Thickey Steam mills, St. Andrew Auckland, Durham, miller, Oct. 11 at half past 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Todd*, Hylton-ferry, Durham, ship builder, Oct. 1 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Jos. Gallop jun.*, Bedminster, Bristol, painter and glazier, Oct. 3 at 1, District Court of Bankruptcy, Bristol.—*George Baddeley Worboys*, Bristol, perfumer, Oct. 12 at 11 District Court of Bankruptcy, Bristol.—*Robt. Crobie*, Sutton, Cheshire, tea dealer, Oct. 4 at 11, District Court of Bankruptcy, Liverpool.—*Chas. Holebrook*, Uttoxeter, Staffordshire, plumber, Oct. 7 at 12, District Court of Bankruptcy, Birmingham.—*John Hedderley*, Nottingham, druggist Oct. 17 at half-past 11, District Court of Bankruptcy, Birmingham.—*Jos. Oates*, Glossop, Derbyshire, innkeeper, Oct. 5 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 3.

*William Pugh*, Gloucester, auctioneer.—*Jas. Lechro*, Wakefield, Yorkshire, and St. John's, New Brunswick, North America, linen draper.—*Hen. Francis*, Peock, Cornwall, agent and coal dealer.—*Geo. Chapman*, Aylesbury, Buckinghamshire, grocer.—*Ed. Wheeler*, Birmingham, corn dealer.—*J. A. Boden*, Sheffield, Yorkshire, razor manufacturer.—*William Woodward*, Birmingham, tailor.—*S. J. Manning*, Canonville st., London, and Halleford, near Shepperton, Middlesex, manufacturer of bitters.

### FIAT ANNULLED.

*Thos. Jones*, Liverpool, coal dealer.

### SCOTCH SEQUESTRATIONS.

*Alex. Dunn*, Keithlock Mills, near Coupar-Angus, farmer.—*D. McIntyre jun.*, deceased, Fort William, merchant.

### DECLARATIONS OF INSOLVENCY.

*John Brooke*, Liverpool, copper.  
*James Thorburn*, Hillhouse, near Huddersfield, Yorkshire warehouseman.  
*Jas. Allwright*, Basingstoke, Southampton, shoemaker.  
*John Bland*, Leeds, Yorkshire, eating-house keeper.  
*William Saunders Lawrence*, Essex-place, Grange-road, Dalston, out of business.  
*Thos. Leete*, Finedon, Northampton, butcher.  
*William Simpson*, Elland Upper Edge, Halifax, Yorkshire woollen spinner.  
*D. McGeorge*, Huddersfield, Yorkshire, tea dealer.  
*Wm. Hall*, Cockhill, Trowbridge, Wiltshire, out of business.  
*Thomas Mercer*, Wansdown-house, St. John, Fulham, out of business.  
*Wm. Elliott*, Berners-street, Oxford-street, waiter.  
*Chas. T. Jones*, Charles-street, Berkeley-square, Hanover-gentleman.  
*Thos. Price*, St. Woollos, Monmouthshire, coal dealer.  
*Wm. Williams*, St. Woollos, Newport, Monmouthshire, dealer.  
*Wm. G. Still*, High-st., Poplar, hair dresser.  
*Thos. Cook*, Giltspur-st., St. Sepalchre, tailor.  
*John Mayen*, Marlborough-road, Old Kent-road, Sun commission agent.  
*David Taylor*, Meltham, Almondsbury, Yorkshire, tea dealer.  
*Wm. W. Greaves*, Newark-upon-Trent, Nottinghamshire corn dealer.  
*Chas. H. Balls*, Beccles, and Ringsfield, Suffolk, chemist.  
*James Chapman*, Bridges-street, Covent-garden, comedian.

### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before Court, in Portugal-st., on Thursday, Oct. 5 at 9.

*H. Dearlove*, Great Marylebone-st., Marylebone, dairymaid.—*C. Donovan sen.*, King William-st., Strand, and East



West-sq., Lambeth, professor of physiology.—*James Sanders*, flower-march, New-out, Lambeth, cheesemonger.—*Jas. Shelley jun.*, Albert-place, Mill-wall, Poplar, iron-moulder.—*H. L. Worsley*, Bankside, Southwark, out of business.—*Wm. I. Davis*, Essex-street, Bethnal-green-road, licensed victualler.—*John Watts jun.*, Albion-place, Thornhill-road, Islington, registrar of births, deaths, and marriages.—*Rich. Mantle*, John-st., Kingsland-road, pig dealer.—*Thos. Peynam*, Trafalgar-terrace, Stepney, timber merchant.—*Fred. P. Helm*, Long-acre, herald chaser.—*Edw. Harrington sen.*, Hungry-hill, near Farnham, Surrey, dealer in potatoes.—*Geo. Rose*, Bermondsey-wall, Bermondsey, Surrey, licensed victualler.

Oct. 6, at the same hour and place.

*John Eiley*, Princes-street, Portman-market, out of business.—*Henry Storer*, Guildford-st., Russell-sq., and Grenville-st., Brunswick-sq., surgeon.—*W. E. Shuckard*, Robert-street, King's-road, Chelsea, librarian to the Royal Society, Somerset-house.—*James Perkins*, Bell-st., Paddington, brewer.—*Rich. Barnett*, George-st., Blackfriars, Surrey, out of business.—*Benj. Brown*, Fisher-st., Red Lion-sq., licensed victualler.—*Mary Peak*, widow, Paradise-row, Rotherhithe, Surrey, out of business.—*Rees Price*, Blackfriars-road, Surrey, surgeon.—*Thomas Saint*, Great Stanmore, Middlesex, shoemaker.—*H. Turner*, Providence-buildings, New Kent-road, Newington, Surrey, out of business.—*Thos. Cogan*, Warren-st., Fitzroy-sq., out of business.—*A. J. Thorley*, Exeter-st., Soane-st., Chelsea, cigar manufacturer.

#### MEETING.

*Richard Poole*, Wilton, Lincolnshire, grocer, Sept. 30 at 11, Spread Eagle Inn, Lincoln, sp. affairs.

#### FRIDAY, SEPTEMBER 16.

##### BANKRUPTS.

**ALEXANDER REID**, Chelsea-park-cottage, Little Chelsea, iron manufacturer, Sept. 25 at 1, and Oct. 31 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Venning & Co., Tokenhouse-yard.—Fiat dated Sept. 14.

**GEORGE BARNABAS BONE**, Leipsic-road, Camberwell, Surrey, builder, Sept. 26 at half-past 11, and Oct. 25 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Myrmott & Sons, 86, Blackfriars-road.—Fiat dated Sept. 7.

**WILLIAM GREENSLADE**, Swinton-street, Gray's-inn-lane, builder, Sept. 25 at 2, and Oct. 25 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. R. & W. Oldershaw, King's Arms-yard, City.—Fiat dated Sept. 8.

**ROBERT WILLIAM LEWIS**, Shenfield, Essex, farmer and cattle dealer, Sept. 25 at 12, and Oct. 21 at half-past 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Watson & Co., Falcon-square.—Fiat dated Sept. 14.

**STEPHEN PHILLIPS**, Brook-street, Hanover-sq., carpet warehouseman, Sept. 26 at 2, and Oct. 18 at half-past 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Reed & Shaw, 6, Friday-street, Cheapside.—Fiat dated Sept. 8.

**THOMAS PRESTO PINO**, Liverpool, ship chandler, Sept. 29 and Oct. 25 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Hodgson, Liverpool; Chester & Toulmin, Staple-inn.—Fiat dated Sept. 11.

**WILLIAM HOOLE**, Sheffield, leather dresser, Oct. 7 and 19 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sol. Branson, Sheffield.—Fiat dated Sept. 11.

**ROBERT JOHN CAMBRIDGE**, Cheltenham, Gloucestershire, wine merchant, Sept. 29 and Oct. 27 at 2, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Packwood, Cheltenham.—Fiat dated Sept. 11.

**RNOS METCALF**, Middlesbrough, Yorkshire, carrier, Sept. 26 and Oct. 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Allison, Darlington; Blackburn, Leeds.—Fiat dated Sept. 4.

**CHARLES DUFFIELD**, Bath, grocer, Sept. 28 at 11, and Oct. 27 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Crosby, Bristol; Jay, 15, Serjeants'-inn.—Fiat dated Sept. 5.

**CHARLES POPPLETON**, York, linen manufacturer, Sept. 26 and Oct. 17 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Anderson, York; Blackburn, Leeds.—Fiat dated Sept. 4.

**JAMES CORBETT LISTER**, Wolverhampton, Staffordshire, wine merchant, Sept. 28 and Nov. 2 at 12, District Court of Bankruptcy: Off. Ass. Valpy; Sols. Phillips & Bolton, Wolverhampton.—Fiat dated Sept. 4.

#### Masters.

*Rice Harris*, Birmingham, glass manufacturer, Oct. 10 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*John Baylis jun.*, and *James Baylis*, Gutter-lane, Cheapside, crane manufacturers, Oct. 5 at 12, Court of Bankruptcy, London, and. ac.; Oct. 6 at 1, div.—*James Hunnyban*, Cambridge, ironmonger, Oct. 2 at 11, Court of Bankruptcy, London, and. ac.—*Alexander Winslow*, *David Winslow*, and *James Webber*, Wood-st., Cheapside, London, warehousemen, Oct. 5 at 11, Court of Bankruptcy, London, and. ac.; Oct. 6 at 11, div.—*Jas. Duffield*, Tewkesbury, Gloucestershire, druggist, Oct. 9 at 1, District Court of Bankruptcy, Bristol, and. ac.; Oct. 10 at 11, div.—*R. Davies*, Abercarn, Monmouthshire, grocer, Oct. 9 at half-past 12, District Court of Bankruptcy Bristol, and. ac.—*R. Roberts*, Newtown, Montgomeryshire, grocer, Oct. 12 at 2, District Court of Bankruptcy, Liverpool, and. ac.—*Wm. W. Bulley*, Liverpool, merchant, Oct. 10 at half-past 1, District Court of Bankruptcy, Liverpool, and. ac.; Oct. 12 at 1, div.—*John Moss*, Haslingden, Whalley, Lancashire, W. Derlington, Rope, near Nantwich, Cheshire, and *Joseph Moss*, Wrenbury, near Nantwich, cotton spinners, Oct. 5 at 12, District Court of Bankruptcy, Manchester, and. ac.; Oct. 6 at 12, div.—*John Carter*, Elland, Halifax, Yorkshire, corn miller, Oct. 11 at 11, District Court of Bankruptcy, Leeds, and. ac.; Oct. 13 at 11, div.—*John Harriman* and *Thomas Harriman*, Nottingham, drapers, Oct. 10 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.—*Peter Beuld*, Ovenden, Halifax, Yorkshire, cotton spinner, Oct. 10 at 11, District Court of Bankruptcy, Leeds, and. ac.; Oct. 12 at 10, fin. div.—*Thos. Walker*, Poulton in the Fylde, Lancashire, grocer, District Court of Bankruptcy, Liverpool, div.—*Chas. Mottram*, Liverpool, wool broker, Oct. 13 at 12, District Court of Bankruptcy, Liverpool, div.—*R. D. Sothorn*, St. Helen's, Lancashire, ship builder, Oct. 13 at 11, District Court of Bankruptcy, Liverpool, div.—*John Brooks*, Liverpool, hotel keeper, Oct. 12 at 12, District Court of Bankruptcy, Liverpool, fin. div.—*W. Robinson*, Liverpool, dealer in cut and plain glass, Oct. 11 at 1, District Court of Bankruptcy, Liverpool, div.—*Chas. Sherratt*, Walsall, Staffordshire, saddlers' ironmonger, Oct. 24 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Jos. Masters jun.*, Witney, Oxfordshire, innkeeper, Oct. 13 at half-past 1, Court of Bankruptcy, London.—*E. Loughton*, Wisbech, Cambridgeshire, Oct. 12 at half-past 11, Court of Bankruptcy, London.—*Hen. Austin Hobbs*, St. Peter's, Isle of Thanet, Kent, machine maker, Oct. 6 at 2, Court of Bankruptcy, London.—*Thos. Skinner*, Godalming, Surrey, butcher, Oct. 10 at 2, Court of Bankruptcy, London.—*Rich. Harrison*, Wolverton, Buckinghamshire, coal and iron master, Nov. 10 at half-past 11, Court of Bankruptcy, London.—*James Wilkinson* and *Geo. Wilkinson*, Leadenhall-street, London, indigo brokers, Oct. 6 at 2, Court of Bankruptcy, London.—*Ellis. Style*, Windsor, Berkshire, bookseller, Oct. 9 at half-past 12, Court of Bankruptcy, London.—*John Wm. Dyer*, Colchester, Essex, plumber, Oct. 7 at 1, Court of Bankruptcy, London.—*D. Blake*, Norwich, mohair manufacturer, Oct. 10 at half-past 12, Court of Bankruptcy, London.—*Ryce Davies*, Abercarn, Monmouthshire, grocer, Oct. 9 at 12, District Court of Bankruptcy, Bristol.—*Jas. T. Bradley* and *William Bradley*, Leeds, Yorkshire, ironmongers, Oct. 11 at 11, District Court of Bankruptcy, Leeds.—*Wm. Smithson*, Thirsk, Yorkshire, linen draper, Oct. 20 at 11, District Court of Bankruptcy, Leeds.—*Robt. Jones*, Newboro-house, Carnarvonshire, draper, Oct. 9 at 11, District Court of Bankruptcy, Liverpool.—*J. Harriman* and *Thos. Harriman*, Nottingham, drapers, Oct. 10 at half-past 11, District Court of Bankruptcy, Birmingham.—*Jos. R. Beer* and *Wm. Hen. Bastick*, Saint Thomas the Apostle, Devonshire, coal merchants, Oct. 12 at 11, District Court of Bankruptcy, Exeter.—*Jos. Wright*, St. Sidwell, Exeter, builder, Oct. 12 at 11, District Court of Bankruptcy, Exeter.—*Edward Kerdley*, Exeter, china dealer, Oct. 12 at 12, District Court of Bankruptcy, Exeter.—*Benj. R. Broadbent*, Spotland, Rochdale, Lancashire, flannel manufacturer, Oct. 6 at 1, District Court of Bankruptcy, Manchester.—*Jas. Bottomley*, Delph, within Saddleworth, Yorkshire, merchant, Oct. 9 at 12, District Court of Bankruptcy, Manchester.



*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Oct. 6.*

*John Wood*, Beauvale, Nottinghamshire, miller.—*Jesse Prime*, Newcastle-under-Lyne, maltster.—*G. Gandell*, Charlotte-row, Mansion-house, London, bill broker.—*Thos. Baldwin*, Worcester, innkeeper.—*Rich. Ellison* and *John Goodworth*, Barnsley, Yorkshire, linen manufacturers.—*John Hutton*, Ringwood, Southampton, draper.—*John Bowring*, Exmouth-street, Clerkenwell, linen draper.—*John Baker Symes*, Keinton Mandefield, Somersetshire, tailor.—*George Fendall*, Woodstock-st., Oxford-st., butcher.—*Thos. Thorp*, Manchester, merchant.

#### PARTNERSHIP DISSOLVED.

*Jas. Martin*, *Edwin Martin*, *Horace Martin*, and *Robert Young*, Battle, Sussex, solicitors and attorneys at law.

#### SCOTCH SEQUESTRATION.

*John Bruce*, Dundee, merchant.

#### DECLARATIONS OF INSOLVENCY.

*Jas. Robinson*, Winchmore-hill, Edmonton, butcher.  
*Geo. Dickinson*, Chenies-mews, Bedford-sq., coach painter.  
*John Murphy*, Gloucester, coachman.  
*Chas. John Burnham*, Harrold, Bedfordshire, chemist.  
*Wm. L. Phillips*, Montford-pl., Kennington-green, omnibus proprietor.  
*Jos. D. Lockhart*, Sarah-st., East India-road, Poplar, tobacconist.  
*John Wilkinson*, Cheltenham, Gloucestershire, out of business.  
*Jas. D. Hubbard*, Wakefield, Yorkshire, printer.  
*Joseph Ames*, Holywell, Flintshire, licensed victualler.  
*Samuel Bone*, Royal-hill, Greenwich, cabinet maker.  
*James Davis*, Great Bolton, Lancashire, sawyer.  
*Joseph Pollard*, White Lee, Batley, Yorkshire, blanket manufacturer.  
*Sam. M. Millan*, Llangollen, Denbighshire, tea dealer.  
*Sam. Brook*, Dudley-hill, Tong, Birstall, Yorkshire, grocer.  
*Eli Wormald*, Little-town, Birstall, Yorkshire, blacksmith.  
*Wm. Barnes*, Kinnerton-st., Wilton-pl., Knightsbridge, gentleman's servant.  
*Henry Manley*, Belvidere-buildings, St. George the Martyr, Surrey, coach builder.  
*Wm. Jeffery*, Queen-street, Brompton, stable keeper.  
*Rich. Wm. Webb*, Savil-row, Walworth-road, attorney at law.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Monday, Oct. 9 at 9.*

*Wm. Spring*, Mornington-pl., Hampstead-road, plumber.  
—*Mary Ann Aldred*, Yeoman's-row, Brompton, officer's widow.—*William Taylor*, Upper Edmond-street, Maiden-lane, medical assistant.—*Thomas Holmes Gummer*, Dean-st., near Brick-lane, Spitalfields, coffee roaster.—*Osw. Parsons*, Battersea-rise, Battersea, Surrey, bricklayer.—*C. Hancock*, Strand-on-the-green, Chiswick, market gardener.—*P. Leeder*, South-wharf-road, Paddington, shoe maker.—*Edw. J. Lance*, Frimley, near Bagshot, Surrey, surveyor.—*George Morgan*, Marlborough-st., Regent-st., cheesemonger.—*James Miller*, Englefield-green, Surrey, attorney.—*Thos. Perrin*, St. John-street-road, house agent.

*Oct. 10, at the same hour and place.*

*Thos. Stowell*, Bowling-green-street, Kennington, Surrey, clerk to an attorney.—*Wm. Hen. Franklyn*, Royal-street, Stangate, Lambeth, plumber.—*J. Sparke Courthope*, George's-cottages, Rotherhithe, Surrey, lighterman.—*J. Bosall*, Dorking, Surrey, brewer.—*Wm. Severly*, Charles-street, Horselydown, Surrey, grocer.—*Hen. Cook*, Strutton-ground, Westminster, cheesemonger.—*Geo. Richard New*, Houndsditch, out of business.—*Fwd. John Arch. Hoefner*, Devonport-st., Commercial-road, cooper.—*John Godwin*, Adam's-pl., High-street, Borough, Southwark, basket maker.—*Levi Oughton*, Crozier-street, New Palace-road, Lambeth, out of business.—*Thos. Johnson*, Arlington-street, Clerkenwell, agent for the sale of stout.

*Court-house, READING, Berkshire, Oct. 9 at 10.*

*Augustus John Watkins*, Sunninghill, near New Windsor, out of business.—*Geo. Selwood*, jun., Little Lea, Whitley, near Reading, agricultural labourer.—*Geo. Woods*, Remenham, drillman.—*John Knight*, Reading, mason.—*E. Rogers*, Reading, brewer.—*Moses Bailey*, Newbury, corn porter.—*Thos. Walters*, Basildon, Reading, farmer.—*Thomas Lewis*,

Reading, out of business.—*Geo. Duberley*, Culverland, coachman.—*Rob. Skarp*, Wokingham, green grocer.—*R. Stroud*, Reading, turnpike-gate keeper.—*Thos. Fred. James*, Wallingford, shopman.—*Edmund John Nieman*, Maidenhead, artist.

*Court-house, OXFORD, (County), Oct. 10 at 10.*

*Henry Bye*, Henley-on-Thames, bargeman.—*John Hovey*, Fawler, baker.—*John Jackson*, Oxford, licensed victualler.—*Mich. Galloway Whitman*, Oxford, book-keeper.—*W. Badcock*, Watlington, auctioneer.—*Geo. Pearson*, Neithrop, labourer.—*Richard Busby*, Deddington, toll collector.—*Alfred Hankins*, Witney, hair dresser.—*Wm. Wood*, Oxford, servant.—*John Rusher*, Old Woodstock, out of business.—*H. Levy*, Oxford, jeweller.—*John Churchill*, Hensington, carpenter.—*Sam. Collier*, Witney, auctioneer.—*Jas. Lipscomb*, Garsington, farmer.—*Edmund Deane Grone*, Oxford, undergraduate at Magdalen College.

*Court-house, OXFORD, (City), Oct. 10 at 10.*

*Francis Alfred Allchin*, Oxford, licensed victualler.—*M. Wildon*, Oxford, slater.—*Chas. Baesley*, Oxford, printer.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Benjamin Edward Pote*, in the employ of the Post Office, Ford's, Henrietta-street, Covent-garden: 4s. in the pound.

#### MEETING.

*John Grimditch*, Castle Northwich, Cheshire, Oct. 20 at 2, Barker & Cheshire's, Winnington, near Northwich, sp. af.

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# The Jurist

No. 350.

LONDON, SEPTEMBER 23, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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The Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, SEPTEMBER 23, 1843.

Most of our legal readers will probably remember the proceedings in both Houses of Parliament relating to the act which received the royal assent at the close of the session, bearing the title of "An Act to amend the Law respecting defamatory Words and Libel," and, therefore, without further allusion to them, we shall proceed to examine its provisions; in doing which we have a two-fold object,—one to call attention to them, the other to make some observations that have occurred to us on their perusal. Many, no doubt, like ourselves, have already read them, and made, perhaps, in their own minds the same remarks as we have; but yet, we hope that it is acceptable to our readers generally to have their attention pointedly called to new statutes which in any way alter the law. To proceed then to the act, the 1st section of which is as follows:—"For the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the said liberty, be it enacted" &c., "That in any action for defamation it shall be lawful for the defendant (after notice in writing of the intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action) to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology."

The term "action for defamation," used in the above section, includes, it is to be observed, actions both for slander and libel; and libel, whether published in a newspaper or other periodical publication, (as to which we shall see that the next section contains a particular provision), or in any other manner. And the apology is not to be a defence, but to go in mitigation of da-

mages. What is or is not an apology, is a question always extremely difficult to determine, and must depend upon the particular circumstances of each case; but as under this section it is only to be given in evidence in mitigation of damages, it will be for the jury to decide upon the whole of the circumstances, whether what the defendant has done amounts to an apology or an offer of one, and thus the difficulty arising from the vagueness of the term will probably be obviated. Our readers will perceive the application of the foregoing observation, when we examine the 2nd section and contrast it with the 1st. That enacts, "That, in an action for a libel contained in any public newspaper or other periodical publication, it shall be competent to the defendant to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall, upon filing such plea, be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under an act passed in the session of Parliament held in the 3 & 4 Will. 4, [c. 42],



intituled 'An Act for the further Amendment of the Law, and the better Advancement of Justice;' and that to such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea."

This strikes us as a somewhat curious provision. It is divided into two parts,—the plea of apology, and the payment into court. We will first consider the former. Now, it will be observed, that, in this case, the defendant must plead that the libel was inserted in the newspaper without actual malice and without gross negligence, and that he inserted or offered to publish a full apology for it. Thus, it is in the nature of a plea of accord and satisfaction, and we apprehend that it will be necessary to set out the terms of the apology. In order to be a defence, the plea must shew that the defendant offered to insert or publish a full apology, which can only be done by stating its terms, and then it will be for the court to decide whether what is stated in the plea amounts to a full apology. But by what rules this is to be done, we know not; what is a full apology in one case is not so in another. Much must depend on the nature of the libel, and the circumstances under which it was published, which last do not appear on the record. Under the former section, as we have remarked, the difficulty does not arise, and under the present it might have been obviated by inserting the word "generally" after "plead," and thus leaving the question of apology or no apology to be one of sufficiency of proof at the trial. Besides being open to an objection of this kind, it is very questionable whether, upon principles of general policy, this provision can, as the preamble professes, more effectually secure the liberty of the press. By the press itself it seems not to be considered as any boon, if we may judge from the remarks made by the leading journal a short time since. But upon this subject we will not enter, and we come to the second part of the section, the payment into court.

It is not a defence, that the libel was published without actual malice, and without gross negligence, and that an apology was also offered, though these three would seem to many to be a sufficient ground of exemption from punishment; the defendant is to "be at liberty to pay into court a sum of money, by way of amends, for the publication of the libel." We can understand how, when money has been tendered, and the tender is pleaded, the money must be paid into court; but why, when an apology has been tendered, the permission to do which seems to assume that its acceptance would be a satisfaction of the damage sustained by the libel, money must also be paid into court, we are at a loss to perceive. If the apology is of itself a satisfaction for the injury, why is the money afterwards added, and if not, why is not the money tendered with the apology? In fact, the clumsy proceeding under the 2nd section will, in most cases, only effect what may be done under the 1st, make the apology go in mitigation of damages; and we expect that defendants, in actions for libels in newspapers, will find it better to avail themselves of the general privilege in the 1st section, than of the particular one which the Legislature has provided for them by the 2nd.

The liberty given to the plaintiff to reply generally, denying the whole of the plea, will introduce a form of

replication quite at variance with the rules of pleadings. The form of *de injuria* cannot be adopted, as the plea would not be in excuse, and the proper mode will be to use a double replication, traversing both the offer of the apology and the allegation that the plaintiff has not sustained greater damages than the sum paid into court. From this section, with which we have felt ourselves obliged to find fault, we turn to the 3rd, which must receive the approbation of every honourable mind. It enacts, "That if any person shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings."

The 4th section makes the maliciously publishing any defamatory libel, *knowing it to be false*, punishable by imprisonment for not exceeding two years, and such fine as the court shall award; and the 5th, the maliciously publishing any defamatory libel, by fine or imprisonment, or both, the latter not to exceed one year.

The 6th contains an important provision respecting indictments and informations for libel. It makes the truth of the matters charged a defence, if it were for the public benefit that they should be published. The defendant, to be entitled to give evidence of this, must, in pleading to the indictment or information, allege the truth of the matters charged as in a plea of justification to an action, and that it was for the public benefit that they should be published, with the particular facts by reason whereof it was so, to which the prosecutor may reply generally, denying the whole of the plea. If the defendant is convicted, the court in pronouncing sentence may consider whether his guilt is aggravated or mitigated by his plea and evidence. The defendant may also at the same time plead, not guilty. Formerly, as our readers know, a defendant in an indictment for a libel was in no case allowed to prove the truth of it in justification or excuse of his having published it, or even in extenuation of punishment. (*R. v. Burdett*, 4 B. & Ald. 314). And since the 32 Geo. 3 c. 60, (Fox's Libel Act), this is, perhaps, the most important enactment that has been made in favour of the liberty of the press.

The two remaining sections are equally favourable. The 7th allows a defendant in an indictment or information, where a presumptive case is established of publication by his authority, to prove, under a plea of not guilty, that it was made without his authority, consent, or knowledge, and that it did not arise from want of due care or caution on his part. And the 8th en-

titles the defendant to recover costs from the prosecutor, and the prosecutor, upon a special plea of justification being found for him, to recover them from the defendant.

Such are the alterations which have been made in the law of libel; and although not, perhaps, such or so many as might have been expected or hoped for, it must be confessed that, upon the whole, in the words of the preamble of the act, they afford better protection to private character, more effectually secure the liberty of the press, and better prevent abuses in exercising it.

## PUBLIC GENERAL STATUTES.

6 & 7 VICTORIA.—SESSION 3.

(Continued from p. 326.)

### CAP. LXXIV.

An Act to amend, and continue for two Years, and to the End of the then next Session of Parliament, the Laws in Ireland relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition. — [22nd August, 1843.]

### CAP. LXXV.

An Act for giving effect to a Convention between her Majesty and the King of the French for the Apprehension of certain Offenders. — [22nd August, 1843.]

### CAP. LXXVI.

An Act for giving effect to a Treaty between her Majesty and the United States of America for the Apprehension of certain Offenders. — [22nd August, 1843.]

SECT. 1. Certain offenders to be apprehended on requisition of the United States.

2. Copies of the depositions may be given in evidence.

3. Offenders to be delivered up.

4. After two months the persons apprehended may be discharged, if not conveyed out of her Majesty's dominions.

5. Limits of the act.

6. Continuance of act.

### CAP. LXXVII.

An Act for regulating the Cathedral Churches of Wales. — [22nd August, 1843.]

### CAP. LXXVIII.

An Act for the further Regulation of the Offices of Chief and Second Remembrancer of the Court of Exchequer in Ireland. — [22nd August, 1843.]

### CAP. LXXIX.

An Act to carry into effect a Convention between her Majesty and the King of the French concerning the Fisheries in the Seas between the British Islands and France. — [22nd August, 1843.]

### CAP. LXXX.

An Act for the better Government of her Majesty's Subjects resorting to China. — [22nd August, 1843.]

### CAP. LXXXI.

An Act to make better Provision for the Appointment of a Deputy for the Chairman of the Sessions of the Peace in the County of Dublin, and to provide for the taking of an Oath by the said Chairman or Deputy; and to amend an Act of the 1st Year of her present Majesty, to amend the Law for the Recovery of small Debts by Civil Bill in Ireland. — [22nd August, 1843.]

### CAP. LXXXII.

An Act for extending to Scotland and Ireland the Power of the Lord High Chancellor to grant Commissions to enable Persons to take and receive Affidavits; and for amending the Law relating to Commissions for the Examination of Witnesses. — [22nd August, 1843.]

SECT. 1. Lord Chancellor to have the same Powers for granting Commissions for taking Affidavits, &c. in Scotland and Ireland as he now has in England.

2. Persons wilfully swearing falsely in any Affidavit, &c. in Scotland deemed guilty of Perjury, and liable to Punishment in same Manner as Persons swearing falsely in open Court.

3. Persons wilfully swearing falsely in any Affidavit or Affirmation in Ireland deemed guilty of Perjury, and liable to same Pains and Penalties as for swearing falsely in open Court. False Declaration a Misdemeanor.

4. What Fees may be taken.

5. For compelling the Attendance of Witnesses.

6. Punishment of Persons disobeying Rule or Order to appear or to produce Writings or Documents required.

7. For Payment of Witnesses, &c.

SECT. 1. Whereas it would be convenient to extend to Scotland and Ireland the power of the Lord High Chancellor of Great Britain to grant commissions in order to enable persons to take affidavits, affirmations, and declarations: be it therefore enacted &c., That the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal, for the time being, shall have such and the same powers for granting commissions for the purpose of enabling fit and proper persons to take and receive affidavits, affirmations, and declarations in Scotland and Ireland, and to perform the other duties of Masters Extraordinary of the High Court of Chancery in England, as he and they now have in any part of the kingdom of England.

2. That all and every persons and person wilfully swearing or affirming or declaring falsely in any affidavit or affirmation or declaration to be made in that part of the United Kingdom called Scotland, before any person or persons who shall be empowered to take affidavits or affirmations or declarations in Scotland under the authority aforesaid, shall be deemed guilty of perjury, and shall be liable to prosecution and punishment for perjury in the same manner and to the same effect as if such persons or person had wilfully sworn falsely as a witness or witnesses in open court in any judicial proceeding in Scotland, or in any court of competent jurisdiction in that part of the United Kingdom in which such person shall be apprehended on such a charge; and it shall be competent to bring such prosecution, if brought in Scotland, either in the court of judicatory or in the sheriff court of the county within which the offence shall have been committed.

3. That all and every persons and person wilfully swearing or affirming falsely in any affidavit or affirmation to be made before any person or persons who shall be empowered to take affidavits or affirmations in Ireland under the authority aforesaid shall be deemed guilty of perjury, and shall incur and be liable to the same pains and penalties as if such person or persons had wilfully sworn or affirmed falsely in the open court in which such affidavit or affirmation shall be intitled, or in the court in which such person or persons shall be tried, and be liable to be prosecuted for such perjury in any court of competent jurisdiction in Ireland, or in that part of the United Kingdom in which such person shall be apprehended on such a charge; and if any declaration which shall be made before any person who shall be empowered to take declarations in Ireland under the authority aforesaid shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanor, and shall be punishable accordingly.

4. That every such person authorised to act under any such commission as aforesaid shall be entitled to receive and take such and the same fees, and none other, as Masters Extraordinary of the High Court of Chancery in England are now entitled to by virtue of the orders of that court, or of any act or acts of parliament now in force.

5. And whereas there are at present no means of compelling the attendance of persons to be examined under any commission for the examination of witnesses issued by the courts of law or equity in England or Ireland, or by the courts of law in Scotland, to be executed in a part of the realm subject to different laws from that in which such commissions are issued, and great inconvenience may arise by reason thereof; be it therefore enacted, That if any person, after being served with a written notice to attend any commissioner or commissioners appointed to execute any such commission for the examination of witnesses as aforesaid, (such notice being signed by the commissioner or commissioners, and specifying the time and place of attendance), shall refuse or fail to appear and be examined under such commission, such refusal or failure to appear shall be certified by such commissioner or commissioners, and it shall thereupon be competent, to or on behalf of any party suing out such commission, to apply to any of the superior courts of law in that part of the kingdom within which such

commission is to be executed, or any one of the judges of such courts, for a rule or order to compel the person or persons so refusing or failing as aforesaid to appear before such commissioner or commissioners, and to be examined under such commission, and it shall be lawful for the court or judge to whom such application shall be made by rule or order to command the attendance and examination of any person to be named or the production of any writings or documents to be mentioned in such rule or order.

6. That upon the service of such rule or order upon the person named therein, if he or she shall not appear before such commissioner or commissioners as aforesaid for examination, or to produce the writings or documents mentioned in such rule or order, the disobedience to such rule or order shall, if the same shall happen in England or in Ireland, render the person disobeying subject and liable to such pains and penalties as he or she would be subject and liable to by reason of disobedience to a writ of subpoena in England or in Ireland, and if such disobedience shall happen in Scotland it shall be competent to the Lord Ordinary on the bills, upon an application made to him by or on behalf of any party suing out such commission, and upon proof of such disobedience made before him, to direct the issue of letters of second diligence, according to the forms of the law of Scotland, to be used against the person disobeying such rule or order.

7. Provided always and be it enacted, That every person whose attendance shall be so required shall be entitled to the like conduct money and payment of expenses and for loss of time as for and upon attendance at any trial in a court of law; and that no person shall be compelled to produce under such rule or order any writing or other document that he or she would not be compellable to produce at a trial, nor to attend on more than two consecutive days, to be named in such rule or order.

#### CAP. LXXXIII.

An Act to amend the Law respecting the Duties of Coroners.  
[22nd August, 1843.]

Sect. 1. *Coroners of Counties, &c., may appoint Deputies, subject to the Approval of the Lord Chancellor. Duplicate of Appointment to be transmitted to Clerk of the Peace. Deputy to act only during Illness, &c.*

2. *Inquisitions, &c., not to be quashed on account of technical Defects.*

3. *Extent of Act.*

4. *Act may be amended, &c.*

Sect. 1. Whereas the coroners of boroughs and liberties are empowered and directed by law to appoint deputies to act in their stead in certain cases: And whereas the coroners of counties have no sufficient authority of the law for making such appointments: And whereas it is expedient to prevent unnecessary expense and delay in the holding of inquests in counties; be it therefore enacted, &c., That from and after the passing of this act it shall be lawful for every coroner of any county, city, riding, liberty, or division, and he is hereby directed, by writing under his hand and seal, to nominate and appoint from time to time a fit and proper person, such appointment being subject to the approval of the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such deputy coroner under and by virtue of any such appointment shall be deemed and taken, to all intents and purposes whatsoever, to be the acts and deeds of the coroner by whom such appointment was made: Provided always, that a duplicate of such appointment shall be forthwith transmitted to the clerk of the peace for the county, city, riding, liberty, or division in which such coroner shall reside, to be filed among the records of the said county, city, riding, liberty, or division: Provided also, that no such deputy shall act for any such coroner as aforesaid except during the illness of the said coroner, or during his absence from any lawful or reasonable cause: Provided also, that every such appointment may at any time be cancelled and revoked by the coroner by whom the same was made.

2. And whereas by an act passed in the 7 Geo. 4 certain provisions were made for preventing the quashing of indictments on technical grounds: And whereas it is expedient to make provisions for supporting coroners' inquisitions, and for preventing the same from being quashed on account of tech-

nical defects; be it therefore enacted, That from and after the passing of this act no inquisition found upon or by any coroner's inquest, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed, or reversed for want of the averment therein of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute," nor for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition and the names subscribed thereto, nor because any juror or jurors shall have set his or their mark or marks to any such inquisition, instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their Christian name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor for want of a proper venue, where the inquest shall appear or purport to have been taken by a coroner or for the county, riding, city, borough, liberty, division, or place in which it shall appear or purport to have been taken, nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written upon parchment, nor by reason of any such inquisition having been taken before any deputy instead of the coroner himself, nor because the coroner and jury did not all view the body at one and the same instant, provided they all viewed the body at the first sitting of the inquest; and in all or any of such cases of technical defect as are hereinbefore mentioned it shall be lawful for any judge of either of her Majesty's courts at Westminster, or any judge of assize or gaol delivery, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

3. That this act shall extend only to that part of the United Kingdom called England and Wales.

4. That this act may be amended or repealed by any act to be passed in this present session of parliament.

#### CAP. LXXXIV.

An Act to amend the Laws relating to the Customs.  
[22nd August, 1843.]

#### CAP. LXXXV.

An Act for improving the Law of Evidence.  
[22nd August, 1843.]

Sect. 1. *Witnesses not to be excluded from giving Evidence by Incapacity from Crime or Interest. Provision Not to repeal any Provision in 7 Will. 4 & 1 Vict. c. 26. In Courts of Equity Defendant may be examined on behalf of the Plaintiff or any Co-Defendant, &c.*

2. *In legal Proceedings, not necessary to state the Jurors had made Affirmation.*

3. *As to Suits commenced before passing this Act.*

4. *Not to extend to Scotland.*

Sect. 1. Whereas the inquiry after truth in courts of justice is often obstructed by incapacities created by the present law and it is desirable that full information as to the facts in issue both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that the persons should exercise their judgment on the credit of the witnesses adduced and on the truth of their testimony; now therefore be it enacted, &c., That no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the court, on the trial of any issue joined, or of any matter or question or on any inquiry

arising in any suit, action, or proceeding, civil or criminal, in any court, or before any judge, jury, sheriff, coroner, magistrate, officer, or person having, by law or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may and shall be admitted to give evidence on oath, or solemn affirmation in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or injury, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided that this act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff, or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively: Provided also, that this act shall not repeal any provision in a certain act passed in the session of Parliament holden in the 7 Will. 4 & 1 Vict., [c. 26], intitled "An Act for the Amendment of the Laws with respect to Wills:" Provided that in courts of equity any defendant to any cause pending in any such court may be examined as a witness on the behalf of the plaintiff or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matters or any of the matters in question in the cause shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

2. That wherever, in any legal proceedings whatever, legal proceedings may be set out, it shall not be necessary to specify that any particular persons who acted as jurors had made affirmation instead of oath, but it may be stated that they served as jurymen, in the same manner as if no act had passed for enabling persons to serve as jurymen without oath.

3. That nothing in this act shall apply to or affect any suit, action, or proceeding brought or commenced before the passing of this act.

4. That nothing in this act shall extend to Scotland.

#### CAP. LXXXVI.

An Act for regulating Hackney and Stage Carriages in and near London. [22nd August, 1843.]

#### CAP. LXXXVII.

An Act for raising the Sum of Eleven millions one hundred and thirty-two thousand one hundred Pounds by Exchequer Bills, for the Service of the Year 1843; and for amending an Act for granting Relief to certain Islands in the West Indies. [24th August, 1843.]

#### CAP. LXXXVIII.

An Act for the Completion of a Parochial Church in the Parish of Saint Michael in the City of Limerick, and for securing the Nomination of a Perpetual Curate thereto.

[24th August, 1843.]

#### CAP. LXXXIX.

An Act to amend the Act for the Regulation of Municipal Corporations in England and Wales.

[24th August, 1843.]

Sect. 1. *No Election of a Mayor in certain Boroughs to be called in Question for Defect of Title, unless by Quo Warranto within Twelve Months from the Election. All Elections of corporate Officers not so called in Question to be deemed valid.*

2. *Provision where a greater Number of Persons shall have been elected or claim to be Aldermen of any Borough than is authorized by 5 & 6 Will. 4, c. 76.*

3. *Provision where no Declaration was made in the Year 1835 as to which of the Aldermen should first go out of Office.*

4. *Provision as to Proceedings already commenced.*

5. *Provision for expediting certain Proceedings by way of Mandamus and Quo Warranto.*

6. *Office of the Treasurer not to be subject to annual Election, but to be during the Pleasure of the Council.*

7. *Provision for the Appointment of a Deputy Recorder in certain Cases.*

8. *In case of Sickness or Absence the Recorder may appoint a Deputy Recorder.*

Sect. 1. Whereas by an act passed in the 5 & 6 Will. 4, [c. 76], intitled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," provisions were made for the election of corporate officers in certain boroughs, and for determining the times and manner of such election; but the provisions in the said act have not in all cases been duly complied with: And whereas by an act passed in the 1 Vict., [c. 78], intitled "An Act to amend an Act for the Regulation of Municipal Corporations in England and Wales," it was among other things declared, that after the passing of that act every application to the Court of Queen's Bench, for the purpose of calling upon any person to shew by what warrant he claims to exercise the office of mayor, alderman, councillor, or Burgess in any borough, shall be made before the end of twelve calendar months after the election, or the time when the person against whom such application shall be directed shall have become disqualified, and not at any subsequent time: And whereas doubts have arisen whether, notwithstanding the said last-mentioned enactment, applications in the nature of quo warranto may not still be successfully made against any person holding the office of mayor, on the ground that such mayor was not duly qualified to be so elected mayor by reason of some defect or informality in his previous election to the office of alderman or councillor, although more than twelve calendar months may have elapsed since such election to the office so alleged to have been informal or defective, and likewise against other corporate officers upon grounds of the like nature: And whereas also in certain boroughs the town councils elected under the said recited act omitted to appoint as therein directed who of the aldermen first elected under that act should go out of office at the expiration of the term therein mentioned: And whereas also in some boroughs, at the said first election of aldermen, after the passing of the said first-recited act, less than the full number required by the said act were elected to such office by reason of equality of votes as to some of the persons nominated, and at the second election of aldermen, under the provisions of the said first-recited act, other aldermen were elected to supply and make up such deficiency, but by inadvertence, and under a mistake of law, a greater number were elected to such office than ought to have been so elected, and great inconvenience, vexation, and expense have been incurred and sustained by reason of the premises, inasmuch that the functions of the corporate bodies in such boroughs have been and are in effect suspended; and it is expedient to provide a remedy for such mischief: And whereas the said first-recited act requires further amendments; be it therefore enacted &c., That no election of any mayor of any of the boroughs named in Schedules (A.) and (B.) of the said first-recited act, or in any borough to which a charter of incorporation may have been or may be hereafter granted under the provisions of that act and of the secondly-recited act, or either of them, which has already taken place, or shall hereafter take place, shall be liable to be questioned by reason of a defect in the title of such person to the office of alderman or councillor to which he may have been previously elected, unless application shall have been made to the Court of Queen's Bench, calling upon such person to shew cause by what warrant he claims to exercise such office of alderman or councillor, within twelve calendar months after such his election to the said office of alderman or councillor; and that from and after the passing of this act every election heretofore made, or hereafter to be made, to the office of mayor, alderman, councillor, or any other corporate officer, in any of the boroughs aforesaid, which shall not be or have been called in question by such application to the Court of Queen's Bench within twelve calendar months from such election, shall be deemed to have been to all intents and purposes a good and valid election.

2. That in any and every of the said boroughs where a greater number of persons shall have been elected to and have taken upon themselves the office of alderman than is authorized by the said first-recited act, or in which a greater number than is authorized by the said first-recited act shall claim to be aldermen of the said borough, the council of such borough shall, at the quarterly meeting to be held on the 9th day of November next after the passing of this act, before proceeding to the election of the mayor, or to any other business, declare which

of the said persons so elected or claiming to be aldermen, to the number specified by the said first-recited act, shall be the aldermen of such borough, and thereupon the person so declared shall be the aldermen of such borough, and the person not included in the number so declared shall from thence ipso facto cease to be aldermen of the said borough respectively, or to exercise any of the functions of such office.

3. That in any and every borough wherein it shall not have been declared by the councillors thereof immediately after the first election of aldermen in the year 1835 who of the aldermen so elected should go out of office in the year 1838, and by reason of such omission the provisions of the said first-recited act as to the retirement and election of aldermen cannot be carried into effect, the councillors of such borough shall and may, at the said quarterly meeting of the council to be held on the 9th day of November next after the passing of this act, declare and appoint who shall be the aldermen who shall go out of office on the 9th day of November in the year 1844, and the persons so named shall be the persons who shall then go out of office accordingly.

4. That no proceeding commenced before the passing of this act and still pending in the Court of Queen's Bench against any person claiming to be mayor or alderman of any of the aforesaid boroughs upon any ground which before the passing of this act would have been sufficient to invalidate the title of such person, but which after the passing of this act would not be sufficient for that purpose, shall after the passing of this act be further prosecuted: Provided always, that the prosecutor or relator shall be entitled to receive from the defendant in every such proceeding all such costs, to be taxed as between attorney and client according to the practice of such court, as have been bona fide incurred by such prosecutor or relator in such proceeding before the passing of this act.

5. And whereas it is expedient to render certain proceedings, by way of quo warranto and mandamus, so far as they affect corporate offices in boroughs, more summary and expeditious; be it therefore enacted, That from and after the passing of this act, in all cases of intended application to the Court of Queen's Bench, either for a mandamus to proceed to an election of any corporate officer or officers in any of the aforesaid boroughs, or for an information in the nature of a quo warranto against any person claiming to be a corporate officer of and in any of the said boroughs, it shall be lawful for the party intending to make such application to give notice in writing thereof to the party to be affected thereby at any time not less than ten days before the day in the said notice specified for making such application, in which notice shall be set forth the name and description of the party by whom such application will be made, together with a statement of the grounds thereof, and at the same time to deliver with such notice a copy of the affidavits whereby the application will be supported; and thereupon it shall be lawful for the said last-mentioned party to shew cause in the first instance against such application; and if no sufficient cause be shewn it shall be lawful for the said Court of Queen's Bench, on proof of the due service of such notice and statement, and of the delivery of a copy of such affidavits as may be used for the purpose of supporting such application, to make the rule for such mandamus or information absolute, if the said court shall so think fit in the first instance, and also, if they shall so think fit, to direct that any writ of mandamus thereby ordered to be issued shall be peremptory in the first instance; and also that the venue in any information thereby ordered to be filed shall be laid in the county of Middlesex, or in the city of London, and that the issue or issues of fact thereon, if any, shall be tried at the sittings at Nisi Prius of the said court at Westminster, or in London, by a jury of the same county or city respectively.

6. And whereas the office of treasurer of and for the aforesaid boroughs is an office of great trust, and an annual appointment to such office is inconvenient and unnecessary; be it therefore enacted, That so much of the said hereinbefore first-recited act as provides that the council in every borough shall in every year appoint a fit person to be treasurer of such borough, shall be and the same is hereby repealed, and that the council of every borough shall, on the 9th day of November next after the passing of this act, or on the 9th day of November next after such borough shall be incorporated, appoint a fit person, not being a member of the council, to be the treasurer of such borough, who shall thenceforth hold his office during the pleasure of the council for the time being; and on the hap-

pening of any vacancy thereafter, by death, resignation, election, or otherwise, the council shall proceed to the appointment of a successor, either at any of the general quarterly meetings of the council, or at a special meeting to be convened for that purpose, so that in no case such appointment be delayed beyond twenty-one days from the happening of the vacancy.

7. And whereas inconvenience has arisen and may hereafter arise by reason that in the said first-recited act no provision is made for the holding of the borough sessions at the time appointed, by public notice for that purpose, in case of the sudden illness or unexpected and unavoidable absence of the recorder, on or immediately before the day on which the sessions for any borough shall have been appointed to be held, or during the holding of such sessions; and it is desirable to provide against such inconvenience; be it therefore enacted, That so much of the said first-recited act as provides, "that in case of sickness or unavoidable absence the recorder of any borough shall be empowered, under his hand and seal, with the consent of the council of the said borough, to appoint a deputy recorder, being a barrister of five years' standing, to act for him at the quarter sessions then next ensuing, and no longer or otherwise," be and the same is hereby repealed.

8. That in case of sickness or unavoidable absence the recorder of any borough shall be and he is hereby empowered, under his hand and seal, to appoint a deputy recorder, being a barrister of five years' standing, to act for him at the quarter sessions then next ensuing or then being held, and not longer or otherwise: Provided nevertheless, that such sessions shall not be deemed to have been illegally held, nor the acts of any deputy recorder invalidated, by reason of the cause of the absence of the recorder not being deemed to be unavoidable within the meaning of this act.

#### CAP. XC.

An Act for removing Doubts as to the Service of Clerks or Apprentices to Public Notaries, and for amending the Law regulating the Admission of Public Notaries.

[24th August, 1843.]

- SECT. 1.** *Public Notaries may retain Clerks or Apprentices in their Business as such, or as Attorneys and Notaries if so practising, and Persons serving them not disqualified.*
- 2.** *No Public Notary to retain a Clerk or Apprentice, unless in actual Practice.*
- 3.** *Persons serving five Years to a Notary to be entitled to Admission as Notaries. Proviso as to Consent of Notary if bound for a longer Time. If Affidavit as to Execution of Contract be not filed within Time required, the Service to reckon from the Day of filing unless otherwise ordered.*
- 4.** *Master of the Faculties may require Testimonials of Ability, &c.*
- 5.** *Appeal.*
- 6.** *Saving the Rights of Scriveners' Company.*
- 7.** *Oath on Admission of Notary.*
- 8.** *Oaths, &c., may be taken by Commission.*
- 9.** *Application to strike a Notary off the Roll for Defect in Articles, &c., to be made within twelve Months.*
- 10.** *Persons practising as Notaries not being duly authorized to forfeit 50l. Like Forfeitures and Provisions as in former Act, and all the Powers thereof, and of 3 & 4 Will. 4, c. 70, not hereby varied, to be in force as if re-enacted.*

**SECT. 1.** Whereas by an act passed in the 41 Geo. 3. [c. 79], intitled "An Act for the better Regulation of Public Notaries in England," it was amongst other things enacted, that from and after the 1st August, 1801, no person should be sworn, admitted, and inrolled as a public notary in England unless such person should have been bound, by contract in writing or by indenture of apprenticeship, to serve as a clerk or apprentice for and during the space of not less than seven years to a public notary or person using the art and mystery of a scrivener, (according to the privilege and custom of the city of London, such scrivener being also a public notary), duly sworn, admitted, and inrolled: And whereas doubts have arisen whether a public notary, being also an attorney, solicitor, or proctor, can have and retain any person to serve him as a clerk or



apprentice in his profession or business of a public notary, and also at the same time in that of an attorney, solicitor, or proctor, and whether such service is in conformity with the provisions of the said recited act: And whereas it is expedient to remove all such doubts with regard to persons who have served or are now serving or may hereafter serve as a clerk or apprentice in manner aforesaid; be it therefore enacted, &c., That from and after the passing of this act every person who has been duly admitted, sworn, and inrolled a public notary in England may take, have, and retain any clerk or apprentice to serve him under the provisions of the said recited act or of this act in the proper business of a public notary, or if such person is also an attorney or solicitor in any of the courts of law or equity, or a proctor in any ecclesiastical court in England or Wales, to serve him at the same time in the general business of a notary as well as that of an attorney, solicitor, or proctor; and that no person who shall have regularly and duly served any such public notary, being also an attorney, solicitor, or proctor, for the time required by the said recited act or this act, and be otherwise entitled to be admitted a public notary, shall be prevented or disqualified from being so admitted a public notary by reason of his having also served a clerkship to such public notary or his partner as an attorney, solicitor, or proctor during the same time or any part thereof.

2. That no public notary may have and retain any such clerk or apprentice to serve him, under the provisions of the said act or of this act, if he has been admitted, sworn, and inrolled a public notary for the purpose only of carrying on any business, or holding or exercising any office or appointment, and not as a general practitioner; nor shall any public notary be allowed to have and retain such clerk or apprentice after he shall have discontinued or left off or during such time as he shall not actually practise and carry on the profession or business of a public notary.

3. And whereas it is expedient to shorten the period of the service required by the said recited act; be it therefore enacted, That from and after the passing of this act, in case any person shall have been or shall be bound by any contract to serve and shall have actually served as a clerk or apprentice for the term of five years any public notary as aforesaid, and shall have caused an affidavit to be made and filed as to the due execution of such contract, and shall have complied with the other provisions of the said recited act, save as to the length of service, then and in such case every such person shall be qualified and entitled to be sworn, admitted, and inrolled a public notary to practise in England, as fully and effectually as any person having been bound and having served seven years as required by the said recited act would be qualified and entitled to be sworn, admitted, and inrolled a public notary under and by virtue of the said recited act: Provided always, that no person shall be entitled to be admitted and inrolled a public notary at the expiration of the term of five years, if bound for a longer time, without the consent in writing of the public notary, if living, to whom he shall have been so bound being first obtained and produced at the time of his admission, and filed with the other papers relating thereto; and provided also, that in case the affidavit required by the said recited act as to the execution of any contract be not filed within the time required by the said act, the same may be filed by the proper officer after the expiration thereof, but the service of such clerk shall be reckoned to commence and be computed from the day of filing such affidavit, unless the master of the faculties shall otherwise order; and such service shall be as effectual, and the public notary and clerk shall be equally bound for and during the term, reckoning as aforesaid, as if such term had been originally intended and mentioned in the contract.

4. That the master of the faculties for the time being may make any general rule or rules requiring testimonials, certificates, or proofs as to the character, integrity, ability, and competency of any person who shall hereafter apply for admission or re-admission as a public notary to practise either in England or in any of her Majesty's foreign territories, colonies, settlements, dominions, forts, factories, or possessions, whether such person shall have served a clerkship or not, and from time to time alter and vary such rules as to the master of the faculties shall seem meet, and may admit or reject any person so applying, at his discretion, any law, custom, usage, or prescription to the contrary notwithstanding.

5. Provided always, and be it enacted, That if the master of the faculties shall refuse to grant any faculty to practise as a

public notary to any person without just and reasonable cause, then the Chancellor of England or the Lord Keeper of the Great Seal for the time being, upon complaint thereof being made, shall direct the Queen's writ to the said master of the faculties to the effect and shall proceed thereon according to the intent and meaning of the act of parliament of 25 Hen. 8, [c. 21], intituled "An Act concerning Peter-pence and Dispensations," and in manner and form as is therein provided and set forth in case of the refusal of any license, dispensations, faculties, instruments, or other writings, as fully and effectually, and with the same powers and authority, as if the same were here inserted and re-enacted.

6. Provided always, and be it enacted, That nothing herein contained nor any service under this act shall authorize any person to be admitted a public notary to practise within the jurisdiction of the incorporated Company of Scriveners of London.

7. That from and after the passing of this act, every person to be admitted and inrolled a public notary shall, before a faculty is granted to him authorizing him to practise as such, in addition to the oaths of allegiance and supremacy, make oath before the said master of the faculties, his surrogate or other proper officer, in substance and to the effect following:

'I, A. B., do swear, That I will faithfully exercise the office of a public notary; I will faithfully make contracts or instruments for or between any party or parties requiring the same, and I will not add or diminish any thing without the knowledge and consent of such party or parties that may alter the substance of the fact; I will not make or attest any act, contract, or instrument in which I shall know there is violence or fraud; and in all things I will act uprightly and justly in the business of a public notary, according to the best of my skill and ability. So help me God.'

And that such oath shall be received and taken instead of the oath of office now in use on the admission of a notary public, which oath shall from and after the passing of this act be wholly discontinued: Provided always, that in such cases where by any act an affirmation or declaration is allowed to be received instead of an oath, or any form of oath or declaration substituted instead of the oaths of allegiance and supremacy, the said master of the faculties, his surrogate or other proper officer, is hereby authorized and empowered to receive a declaration or affirmation instead of any oath required by this act, or such form of oath or declaration instead of the oaths of allegiance or supremacy as by any act of parliament is authorized and allowed.

8. That the master of the faculties for the time being, or his surrogate, shall and he is hereby authorized and empowered to issue commissions to take any oaths, affidavits, affirmations, or declarations required by law to be taken before the grant of any faculty, marriage license, or other instrument issuing from the said office of faculties; and that all oaths, affidavits, affirmations, or declarations taken before the commissioner so appointed, and the faculty, marriage license, or other instrument granted in pursuance thereof, shall be as valid and effectual as if such oath, affidavit, affirmation, or declaration was taken before the said master or his surrogate, any thing in any act or law to the contrary thereof notwithstanding.

9. That no person who has been admitted and inrolled a public notary shall be liable to be struck off the rolls for or on account of any defect in the articles of clerkship, or in the registry thereof, or in his service under such articles, or in his admission and inrolment, unless the application for striking him off the roll be made within twelve months from the time of his admission and inrolment; provided that such articles, registration, service, admission, or inrolment be without fraud.

10. That from and after the passing of this act, in case any person shall, in his own name or in the name of any other person, make, do, act, exercise, or execute or perform, any act, matter, or thing whatsoever of or in anywise appertaining or belonging to the office, function, or practice of a public notary, for or in expectation of any gain, fee, or reward, without being able to prove, if required, that he is duly authorized so to do, every such person for every such offence shall forfeit and pay the sum of 50*l.*, to be sued for and recovered by action of debt, plaint, or information in any of her Majesty's superior courts of record at Westminster, or if the cause of action shall have arisen in any colony or place to her Majesty belonging out of England, then in the supreme court of law of such colony

or place, provided the action for the recovery thereof shall be commenced within twelve months next after the fact committed; and that, save so far as they are altered or repealed, or repugnant to the provisions of this act, the like remedies for recovering thereof, and all other the rules, directions, powers, and provisions contained in the said recited act, and also in the act passed in the 3 & 4 Will. 4, [c. 70], intituled "An Act to alter and amend an Act of the forty-first Year of his Majesty King George the Third, for the better Regulation of public Notaries in England," shall and may severally and respectively, attach and be in force as fully and effectually as if the said penalties were imposed, or the said remedies were given, or the same powers, rules, directions, and provisions were particularly enacted in or by this act, or repealed and re-enacted.

## CAP. XCI.

An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland.

[24th August, 1843.]

## CAP. XCII.

An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in Ireland.

[24th August, 1843.]

## CAP. XCIII.

An Act to amend an Act of the 3rd and 4th Years of her present Majesty for the Regulation of Municipal Corporations in Ireland.

[24th August, 1843.]

## CAP. XCIV.

An Act to remove Doubts as to the Exercise of Power and Jurisdiction by her Majesty within divers Countries and Places out of her Majesty's Dominions, and to render the same more effectual.

[24th August, 1843.]

Sect. 1. The power acquired by her Majesty in countries out of her dominions shall be held on the same terms as her Majesty's authority in the crown colonies.

2. Acts done in pursuance of such power to be of the same effect as if done under local laws.

3. Courts authorized to procure evidence of such power by application to Secretary of State.

4. Power to send persons charged with crimes for trial to a British colony. Before any such person shall be sent to any colony for trial he may tender any material evidence that he would be unable to produce on trial, and which shall be taken down and transmitted. In case the laws of the place in which the act was committed vary from those of the colony the court may give effect to them. Nothing herein to alter any law respecting crimes committed out of her Majesty's dominions.

5. Power to send convicts for execution or imprisonment to a British colony.

6. Power to transport convicts.

7. Limitation of actions.

8. Repeal of sect. 4 of 6 Geo. 4, c. 33, and of 6 & 7 Will. 4, c. 78.

9. Act may be amended or repealed.

## CAP. XCV.

An Act for rendering more effective the Services of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving the Public Peace. [24th August, 1843.]

## CAP. XCVI.

An Act to amend the Law respecting defamatory Words and Libel. [24th August, 1843.]

Sect. 1. *Offer of an Apology admissible in Evidence in Mitigation of Damages.*

2. *In an Action against a Newspaper for Libel, the Defendant may plead that it was inserted without Malice and without Neglect, and may pay Money into Court as Amends.*

3. *Publishing or threatening to publish a Libel, or proposing to abstain from publishing any thing, with Intent to extort Money, punishable by Imprisonment and hard Labour.*

4. *False defamatory Libel punishable by Imprisonment and Fine.*

5. *Malicious defamatory Libel, by Imprisonment or Fine.*

6. *Proceedings upon the Trial of an Indictment or Information for a defamatory Libel. Double Plea Proviso as to Plea of Not Guilty in Civil and Criminal Proceedings.*

7. *Evidence to rebut prima facie Case of Publication by an Agent.*

8. *On Prosecution for private Libel, Defendant entitled to Costs on Acquittal.*

9. *Interpretation of Act.*

10. *Commencement and Extent of Act.*

Sect. 1. For the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the said liberty, be it enacted &c., That in any action for defamation it shall be lawful for the defendant, (after notice in writing of his intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action), to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

2. That in an action for a libel contained in any public newspaper or other periodical publication, it shall be competent to the defendant to plead that such libel was inserted in such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication, a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall upon filing such plea be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect and be available in the same manner and to the same extent and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into court under an act passed in the 3 & 4 Will. 4 [c. 42], intituled "An Act for the further Amendment of the Law, and the better Advancement of Justice;" and that in such plea to such action it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

3. That if any person shall publish or threaten to publish any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for a term not exceeding three years: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

4. That if any person shall maliciously publish any defamatory libel, knowing the same to be false, every such person being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding two years, and to pay such fine as the court shall award.

5. That if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment, or both, as the court may award, such imprisonment not to exceed the term of one year.

6. That on the trial of any indictment or information for defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it be for the public benefit that the said matters charged should be

published; and that to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information, it shall be necessary for the defendant, in pleading to the said indictment or information, to allege the truth of the said matters charged in the manner now required in pleading a justification to an action for defamation, and further to allege that it was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and that if after such plea the defendant shall be convicted on such indictment or information it shall be competent to the court, in pronouncing sentence, to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to prove or to disprove the same: Provided always, that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be inquired into without such plea of justification: Provided also, that in addition to such plea it shall be competent to the defendant to plead a plea of not guilty: Provided also, that nothing in this act contained shall take away or prejudice any defence under the plea of not guilty, which it is now competent to the defendant to make under such plea to any action or indictment or information for defamatory words or libel.

7. That whenever, upon the trial of any indictment or information for the publication of a libel, under the plea of not guilty, evidence shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the said publication did not arise from want of due care or caution on his part.

8. That in the case of any indictment or information by a private prosecutor for the publication of any defamatory libel, judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information; and that upon a special plea of justification to such indictment or information, if the issue be found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea, such costs so to be recovered by the defendant or prosecutor respectively to be taxed by the proper officer of the court before which the said indictment or information is tried.

9. That wherever throughout this act, in describing the plaintiff or defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the act shall exclude such construction.

10. That this act shall take effect from the 1st day of November next; and that nothing in this act contained shall extend to Scotland.

## CAP. XCVII.

An Act for appointing Commissioners to inquire into the Existence of Bribery in the Borough of Sudbury.

[24th August, 1843.]

## CAP. XCVIII.

An Act for the more effectual Suppression of the Slave Trade.

[24th August, 1843.]

## CAP. XCIX.

An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year 1843, and to appropriate the Supplies granted in this Session of Parliament.

[24th August, 1843.]

MEMBER RETURNED TO SERVE IN PARLIAMENT.—Duncan McNeill, Esq., her Majesty's Advocate for Scotland, for the county of Argyre, in the room of Alexander Campbell, Esq., who has accepted the Children Hundreds.

## London Gazette.

TUESDAY, SEPTEMBER 19.

## BANKRUPTS.

JAMES ABBOTT, Milton-on-Thames, Kent, and Keynasham, Somersetshire, builder, Sept. 26 at 1, and Nov. 7 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Jones, Mark-lane.—Fiat dated Sept. 14.

WILLIAM MOUNTJOY SMITH, Strand, upholsterer and picture dealer, Sept. 26 at 2, and Oct. 31 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. May, 14, Queen-square, Bloomsbury.—Fiat dated Sept. 12.

GEORGE WINNING, Dover-street, Piccadilly, upholsterer, Sept. 27 at 11, and Oct. 31 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. H. & W. C. Sole, 68, Aldermanbury.—Fiat dated Sept. 14.

SAINT JOHN CARTWRIGHT, Worksop, Nottinghamshire, grocer, Oct. 3 and 19 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Mee & Bigsby, East Retford; Payne & Co., Leeds.—Fiat dated Sept. 5.

JOSEPH NEWSOME, Dewsbury, Yorkshire, blanket manufacturer, Oct. 3 and 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Harle, Leeds; Drew, Bermondsey.—Fiat dated Sept. 6.

JAMES RICHARDSON MUNDEEN, Barwick, near Yeovil, Somersetshire, flax and tow spinner, Sept. 30 and Oct. 31 at 1, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Terrell, Exeter; Turner & Hensman, 8, Basing-lane.—Fiat dated Sept. 11.

ELIZABETH BRITTAN, Bath, Somersetshire, victualler, Oct. 2 at 1, and Oct. 31 at 12, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Norris, Devizes.—Fiat dated Sept. 12.

JOHN MURRAY and WILLIAM BROWN, Liverpool, millwrights, engineers, and iron founders, Oct. 9 at 11, and Oct. 27 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Neal, Liverpool; Hall & Co., Verulam-buildings, Gray's-inn.—Fiat dated Sept. 6.

## MEETINGS.

*Ayshford Wyse*, Woborough, *Nicholas Baker*, Newton Bushell, Highweek, *Wm. S. Bantall*, and *Robert Ferwell*, Totness, Devonshire, bankers, Sept. 30 at 12, District Court of Bankruptcy, Exeter, pr. d.—*Isaiah Ward*, Devizes, Wiltshire, house decorator, Oct. 13 at 12, District Court of Bankruptcy, Bristol, pr. d.; Oct. 13 at 11, aud. ac.—*Geo. Last*, Birmingham, merchant, Oct. 5 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*Thos. Lamplugh*, Great Driffield, Yorkshire, grocer, Oct. 11 at 11, District Court of Bankruptcy, Leeds, last ex.—*Thos. Cheslett*, Gracechurch-st., hosier, Oct. 10 at 12, Court of Bankruptcy, London, aud. ac.—*Alf. Stocken* and *Wm. Utton*, Halkin-st., Belgrave-square, coach makers, Oct. 11 at 11, Court of Bankruptcy, London, aud. ac.—*Th. Strippling*, North-hill, Colchester, Essex, coach maker, Oct. 11 at 11, Court of Bankruptcy, London, aud. ac.—*John Gollop*, Dav. Redmund, and *T. Kingsnorth*, Charles-street, City-road, Middlesex, iron founders, Oct. 11 at 12, Court of Bankruptcy, London, aud. ac.—*Sam. Polak*, Newport, Monmouthshire, woollen draper, Oct. 10 at 11, Court of Bankruptcy, London, aud. ac.—*George Caston*, Basingstoke, Hampshire, ironmonger, Oct. 11 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Wm. Blossam*, Duke-street, Grosvenor-square, Middlesex, apothecary, Oct. 11 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Clinch*, King-street, Hammersmith, Middlesex, omnibus proprietor, Oct. 10 at 11, Court of Bankruptcy, London, aud. ac.—*Jas. Rows*, Blandford-st., Mary-le-bone, Middlesex, ironmonger, Oct. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.—*V. Jay*, Castle-lane, Southwark-bridge-road, Surrey, silk hat manufacturer, Oct. 11 at 1, Court of Bankruptcy, London, aud. ac.—*E. Bardsley*, Exeter, china dealer, Oct. 13 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 14 at 11, div.—*Sam. Sleep*, Altarnum, Cornwall, linen dealer, Oct. 13 at 12, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 14 at 12, div.—*Richard Lloyd*, Liverpool, Lancashire, licensed victualler, Oct. 13 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm.*

*Halliday*, Liverpool, Lancashire, innkeeper, Oct. 17 at half-past 11, District Court of Bankruptcy, Liverpool, and. ac.

**CERTIFICATES**

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Abraham Harris*, Sharp's-buildings, Tower-hill, Middlesex, alopseller, Oct. 12 at 11, Court of Bankruptcy, London.—*Thos. P. Chalk*, Linton, Cambridgeshire, draper, Oct. 13 at 12, Court of Bankruptcy, London.—*Mat. Nelson*, Back-hill, Hatton-garden, Middlesex, hearth rug manufacturer, Oct. 14 at 1, Court of Bankruptcy, London.—*Hen. Ellis*, Norwich, draper, Oct. 14 at half-past 12, Court of Bankruptcy, London.—*Geo. Lockwood*, Wakefield, Yorkshire, and Saint John's, New Brunswick, North America, woollen draper, Oct. 16 at 11, District Court of Bankruptcy, Leeds.—*Hannah M. Newton*, New-mill, Feolstone, Kirkburton, Yorkshire, victualler, Oct. 11 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 10.*

*Philip Protheroe* and *Mark Davis Protheroe*, Bristol, West India merchants.—*Charles Sharratt*, Walsall, Staffordshire, saddler's ironmonger.—*Sam. Billingsley*, jun., Harwich, Essex, merchant.—*Ed. Cragg*, Kendal, Westmorland, innkeeper.—*Wm. Boulton*, jun., and *Wm. Fred. Palmer*, Stafford, builders.—*Thos. Jos. Clark*, Billingsgate, London, victualler.—*Jas. Marr*, Worksop, Nottinghamshire, tanner.—*William Jones Brown*, Great Winchester-street, London, silkman.

**PARTNERSHIP DISSOLVED.**

*Thos. Moseley* and *Thos. Henry Channell*, Bedford-street, Covent-garden, attornies and solicitors.

**SCOTCH SQUEAGERATIONS.**

*John F. Tuckman*, Clury, Strathspey, Inverness, partner in the North of Scotland Fire and Life Assurance Company.—*Alas. Simpson*, Navty, Cromarty, deceased.—*N. Buchanan*, Glasgow, commission merchant.—*Wm. Spalding*, Edinburgh, solicitor.

**DECLARATIONS OF INSOLVENCY.**

*Joseph Stead*, Leeds, Yorkshire, grocer.  
*Samuel Hinchliffe*, sen., Pudsey Far-town, Calverley, Yorkshire, clothier.  
*Wm. King*, jun., Silver-st., Edmonton, licensed beer retailer.  
*Wm. H. Patten*, Plymouth, Devonshire, out of business.  
*Edw. Duncombe*, High Holborn, bookseller.  
*Jonathan Davies*, Allen-street, Goswell-street, Clerkenwell, foreman to a dairyman.  
*Matthew Banyard*, Brunswick-street, Islington, printseller.  
*Samuel Carr*, Devonshire-street, Newington, grocer.  
*Wm. Stroud*, Plymouth, Devonshire, bookseller.  
*Edwin Ridge*, Exeter, out of business.  
*Henry Pickford*, East-road, City-road, Shoreditch, broker.  
*Sarah Ford*, Heavitree, Devonshire, schoolmistress.  
*Thomas Riley*, Clifton-place, Wandsworth-road, Clapham, Surrey, green grocer.  
*Mary Ann Matthews*, York, milliner.  
*George Welch*, Sidcup, Chislehurst, Kent, blacksmith.

**INSOLVENT DEBTORS.**

*Saturday, Sept. 16.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Louisa Bowes Morgan*, New Church, Carmarthen, spinster, out of business, No. 63,133 C.; *George Bagnall*, assignee.—*Thomas Griffiths*, Carmarthen, butcher, No. 63,094 C.; *Geo. Goode*, assignee.—*Daniel Morgan*, Newbridge, near Usk, Monmouthshire, licensed victualler, No. 62,693 C.; *John Jones*, assignee.—*Samuel Burgess*, jun., Lower Broughton, Salford, Lancashire, grocer, No. 63,138 C.; *John Heywood*, assignee.—*E. Brasmah*, Childer Thornton, Wirral, Cheshire, retail beer seller, No. 63,428 C.; *John Harrison*, assignee.—*Henry Rock West*, Winalow, Buckinghamshire, saddler, No. 62,628 C.; *Thos. Palmer Andrews*, assignee.—*Wm. Fowler*, Colwyn, Denbighshire, saddler, No. 55,688 T.; *T. Reeves*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Wednesday, Oct. 11 at 9.*

*James Benn*, Cranford, Middlesex, farmer.—*Chas. Edward*

*Gadderer*, Craven-street, Strand, dealer in wines.—*James Spencer*, Knightsbridge-green, and High-road, Knightsbridge, carpenter.—*Wm. Groat*, Scott's-place, Lower-road, Islington, baker.—*Noah Heath*, New Church-road, Camberwell, carpenter.—*Daniel Reading*, Crown-road, Mile-end-road, cooper.—*James Child*, Upper Richmond-rd., Putney, market gardener.—*Josiah White*, Mill-row, Kingsland-road, out of business.—*Thomas Cooper*, Askew-place, Shepherd's-bush, Middlesex, clerk in the General Register Office.—*Peter Hay*, Blenheim-street, Oxford-street, watch maker.—*Edw. Stretch*, St. Martin's-lane, vellum binder.—*W. Hewett*, jun., Richmond, Surrey, chandler's-shop keeper.

*Oct. 12, at the same hour and place.*

*Chas. James Whittaker*, sen., Fleet-lane, Farringdon-street, coffee-shop keeper.—*Geo. Fuller*, Sothingham, Great Swan-alley, Coleman-street-buildings, carpenter.—*Wm. Bowden*, Strand, ginger beer manufacturer.—*Thos. Remeden*, jun., Matilda-st., Old Bethnal-green-road, colour manufacturer.—*Chas. Caley*, Jubilee-street, Stepney, out of business.—*Thos. John Snel*, Dean's-buildings, Commercial-road, East, out of business.—*Geo. Taylor*, Bury-street, Bloomsbury, carpenter.—*Henry Guball*, Mary-le-bone-street, Piccadilly, belt manufacturer.—*Jonathan Tant*, Newcastle-street, Strand, cheesemonger.—*W. Podmore*, Portman-mews South, Portman-square, gentlemen's coachman.—*Abraham Peacock*, Skute-hole, Chiswick, market gardener.—*Thomas Hall*, John-street, Holland-street, Blackfriars-road, Surrey, out of business.

*Court-house, WORCESTER, (County), Oct. 12 at 10.*

*John Mann*, Bluntington, Chaddesley, Corbett, out of business.—*Isaiah Skelding*, Dudley, miner.—*Wm. Lagg*, Kidderminster, engine worker.—*Benj. F. Gibbs*, Henley Castle, cordwainer.—*T. Shaw*, Dudley, whitesmith.—*J. Fapp*, Worcester, Oldswindford, labourer.—*S. Gollins*, Bellbroughton, wheelwright.—*Wm. Collins*, Hallow, tailor.—*Sam. Cooper*, jun., Wribbenhall, Kidderminster, labourer.—*Rich. Vickers*, Dudley, miner.—*Sam. Goddall*, Tenbury-wells, plumber.—*Thos. Bagley*, Dudley, labourer.—*Thos. Kent*, Dudley, out of business.—*J. Shipley Nevill*, Dudley, draftsman.—*Wm. Raper*, Grove, Upton-upon-Severn, out of business.

*Court-house, WORCESTER, (City), Oct. 12 at 10.*

*Wm. Barnett*, Worcester, labourer.—*John Philip Winwood*, St. Nicholas, printer.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Enoch Heywood*, Waterhead-mill, near Oldham, warehouseman, Whitehead & Co.'s Oldham; 1s. in the pound.

**MEETING.**

*Wm. Bartell Rackham*, East Dereham, Norfolk, attorney at law, Oct. 13 at 12, King's Arms Inn, East Dereham, sp. aff.

**FRIDAY, SEPTEMBER 22.**

**INSOLVENT.**

*JOSEPH RIDGWAY*, Manchester, merchant and commission agent.

**BANKRUPTS.**

*MATTHEW POTTER*, New Bond-street, haberdasher, Oct. 7 at 1, and Nov. 7 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Crowder & Maynard, Coleman-st., London.—Fiat dated Sept. 15.

*WILLIAM SHEPHERD*, jun., Iron Acton, Gloucestershire, miller, Oct. 6 and Nov. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sols. Ray & Co. Bristol; Burfoots, Temple, London.—Fiat dated Sept. 13.

*DAVID SMITH*, Midgley, Halifax, Yorkshire, worsted manufacturer, Oct. 5 and 28 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Stocks & Co., Halifax; Payne & Co., Leeds.—Fiat dated Sept. 7.

*THOMAS OSBORN*, Bordesley, Aston juxta Birmingham, banker, Sept. 30 and Oct. 28 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Mottram, Birmingham.—Fiat dated Sept. 15.

*GEORGE STRAWBRIDGE*, Bristol, builder and mason, Oct. 6 at 12, and Nov. 3 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Smith, Bristol.—Fiat dated Sept. 18.

*CHARLES CLARK*, Liverpool, wool dealer, Oct. 6 at 12, and Nov. 3 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Miller & Peel, Liverpool; Sharp & Co., Bedford-row, London.—Fiat dated Sept. 20.

**JOHN MASON KNIGHT**, Rugby, Warwickshire, ironmonger, grocer, and seedman, Oct. 5 at 11, and Nov. 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Stone & Paget, Leicester.—Fiat dated Sept. 13.

## MEETINGS.

*Jos. B. Montefiore*, Nicholas-lane, London, merchant, Sept. 28 at 11, Court of Bankruptcy, London, pr. d.; Oct. 2 at 11, ch. ass.—*Richard Pullen*, Selby, Yorkshire, flax merchant, Oct. 18 at 11, District Court of Bankruptcy, Leeds, ch. ass.—*Wm. Bates*, Welbeck-street, Cavendish-square, Middlesex, auctioneer, Oct. 8 at 11, Court of Bankruptcy, London, last ex.—*Chas. Clark*, Tower-street, Westminster-road, Surrey, baker, Oct. 3 at half-past 1, Court of Bankruptcy, London, last ex.—*John Hartley*, Height, within the Forrest of Pendle, Lancashire, shopkeeper, Oct. 4 at 12, District Court of Bankruptcy, Manchester, last ex.—*Thos. Price*, Liverpool, baker, Oct. 2 at half-past 11, District Court of Bankruptcy, Liverpool, last ex.—*Abinus Carter*, Custom-house-chambers, Lower Thames-street, London, ship and insurance broker and agent, Oct. 18 at 1, Court of Bankruptcy, London, and ac.—*Jos. Whitmore*, Stockport, Cheshire, pawnbroker, Oct. 18 at 12, Court of Bankruptcy, London, and ac.—*Daniel G. Gordon*, Mortimer-street, Cavendish-square, merchant, Oct. 18 at half-past 12, Court of Bankruptcy, London, and ac.—*John Ryan*, Stockport, Cheshire, surgeon, Oct. 18 at 11, Court of Bankruptcy, London, and ac.—*Wm. Hill*, Newcastle-upon-Tyne, wine merchant, Oct. 16 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Hen. Fawcus* and *Robert Fawcus*, Stockton-upon-Tees, Durham, timber merchants, Oct. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 17 at 1, 2a. div. sep. est. *H. Fawcus*.—*Jas. Harrington* and *William Pattinson*, Woodbank, Saint Cuthbert, Cumberland, calico printers, Oct. 16 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Oct. 17 at 2, div. joint est.; Oct. 16 at half-past 2, and ac.; Oct. 17 at 2, div. sep. est. *James Harrington*.—*Jas. Challoner*, Chester, currier, Oct. 16 at half-past 11, District Court of Bankruptcy, Liverpool, and ac.; Oct. 17 at 12, div.—*James Rowe*, Blandford-street, Mary-le-bone, ironmonger, Oct. 14 at 1, Court of Bankruptcy, London, div.—*Augustus Bohlé*, Sackville-street, Piccadilly, tailor, Oct. 14 at 2, Court of Bankruptcy, London, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*John Thomas Blanks*, Southminster, Essex, grocer, Oct. 13 at half-past 11, Court of Bankruptcy, London.—*James Percival*, jun., Whitechapel-road, soap maker, Nov. 10 at half-past 1, Court of Bankruptcy, London.—*Mary Buchanan*, Shere, near Guildford, Surrey, brewer, Oct. 14 at 2, Court of Bankruptcy, London.—*John Dewe* and *Richard Dewe*, Oxford, booksellers, Oct. 16 at 2, Court of Bankruptcy, London.—*Wm. Ambrose Bradford*, Long-acre, cheesemonger, Oct. 13 at 2, Court of Bankruptcy, London.—*Gaskill Johnson*, Liverpool, merchant, Oct. 16 at 12, District Court of Bankruptcy, Liverpool.—*Thos. Parker*, *John Parker*, *John Rawlinson*, *Joshua Hanson*, *Joseph Bell*, *Thos. Chadwick*, *Abram Emuley*, *Robert Kershaw*, *John Musgrave*, *Thomas Pullan*, *John Shaw*, *William Abbott*, and *D. Dixon*, Woodhouse Carr, Leeds, dyers, Oct. 17 at 11, District Court of Bankruptcy, Leeds.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 13.

*Wm. Gordon*, Colchester, Essex, coach proprietor.—*Thos. Radcliffe*, Birmingham, stationer.—*J. Stanford*, Cranborne, Dorsetshire, grocer.—*F. Morgan*, Long-acre, linen draper.—*J. Lewis*, Dawley, Shropshire, grocer.—*R. Noyes*, New Church-street, Paddington, plumber.—*John Clinch*, King-street, Hammer-smith, omnibus proprietor.—*George Williams*, Aldgate, London, and New Kingston, Surrey, draper.—*George Bloor*, Wharf-road, City-road, coal merchant.

## PARTNERSHIP DISSOLVED.

*Wm. C. Humphreys* and *Geo. Perceval*, Newgate-street, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Murdoch Macgregor*, Gairloch, Ross, innkeeper.—*William Bell*, Dundee, merchant.

## DECLARATIONS OF INSOLVENCY.

*Richard Wm. Webb*, Savil-row, Walworth-road, Surrey, attorney at law.

*W. Kenworthy*, Longwood, Huddersfield, Yorkshire, slubber.

*Chas. Hivet*, Hagg, Honley, Almondbury, Yorkshire, clothier.

*James Saunders*, Hulme, Manchester, painter.

*Peter Short*, Manchester, commission agent.

*James Chapman*, Brydges-st., Covent-garden, comedian.

*Wm. Harrison*, Wolverhampton, Staffordshire, horse breaker.

*William Chapman*, Brighelmstone, Sussex, builder.

*Hen. Mallett*, Tong with Haulgh, Lancashire, out of business.

*Francis Pitt*, Kidderminster, Worcestershire, cabinet maker.

*John Whipple*, Crown-st., St. Leonard, Shoreditch, stay manufacturer.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before a Commissioner on Circuit:—

Court-house, Hereford, (County), Oct. 14 at 10.

*Chas. Townsend*, Ross, gardener.—*Hen. Wheatall*, Bromyard, miller.—*Jas. West*, Little Cowarne, farmer.—*Thomas Adams*, Stoke Lacy, gardener.—*William Woodyatt*, Lower Wilcroft, Lugwardine, out of business.

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# The Jurist

No. 351.

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LONDON, SEPTEMBER 30, 1843.

THAT, generally speaking, vendors and purchasers of land, like vendors and purchasers of anything else, should be left to make their own contracts as they think fit, we consider to be undeniably sound policy. But there is an essential and great difference between interfering a priori to dictate to parties on what terms they shall contract, and interfering a posteriori, by the adoption of such rigid rules of construction in reference to agreements of a particular class, that the party who knows beforehand what he intends them to embrace, shall not in general have the benefit of them against a party who, on entering into them, is ex necessitate rei deprived of the full means of judging of the effect which a large construction would give them. And though interference of the former character would be mischievous and absurd, interference of the latter character is necessary to protect the ignorant and unwary from fraudulent and hard bargains. The latter only is that wholesome interference which courts of law and equity have lately exercised in dealing with the class of agreements termed restrictive conditions of sale, while they have carefully avoided deciding that parties may not, provided they clearly understand each other, buy and sell land under any conditions as to title or other particulars that they may think fit.

In former pages of THE JURIST, (Vol. 6, pp. 29 and 327), we have offered some observations on the cases of *Hobson v. Bell* (2 Beav. 17) and *Ord v. Noel*, (5 Mad. 438), and on the principle to be deduced from them, as to the effect on sales by mortgagees and trustees, of restrictive conditions of sale; and also on the law with regard to the extent to which conditions of restriction, as to title, will be supported generally in favour of vendors.

We will now notice a class of conditions of sale, viz. that by which vendors endeavour to limit the time within which the purchaser may take objections to the

title, and that singular kind of condition by which the vendor stipulates for the right of rescinding the contract, if he either cannot or will not remove objections taken by the purchaser. On these there are several recent cases, all tending the same way, viz. to put a rigid construction on conditions in the nature of restrictions on the right, which, in their absence, the purchaser would have.

In *Tanner v. Smith* (10 Sim. 410) the seventh condition of sale, on which one question arose, was, that "if the purchaser should raise objections to the title, which the vendor should not be able or willing to remove, and the purchaser should insist upon such objections, the vendor should be at liberty, by writing under his hand, to rescind the contract, on repaying to the purchaser his or her deposit money, without interest or costs. And that all objections which should not be taken in writing within ten days after the delivery of the abstract should be considered as waived."

The vendor delivered an abstract, to which the purchaser took objections within ten days; and the vendor replied that he should have no difficulty in removing the objections, that a further abstract would be delivered, and then ten days more allowed for objections. A further abstract was delivered, but not till the time for completing the sale had expired. The case came on upon motion to restrain the purchaser from proceeding in an action for the deposit; and one question appears to have been, whether the seventh condition was of that oppressive character, that the court should be induced, on account of it, to refuse its equitable interposition by injunction. Now the most obvious construction of the condition above cited would be, that the vendor reserved to himself, as a distinct right, that of putting an end to the contract on certain terms, whenever he should be unable or unwilling to remove objections insisted on by the purchaser; and that the



last branch of the condition had reference not to that right of the vendor, but to a further and different one, viz. a right to restrict the time within which the purchaser might take any objection. The vendor's subsequent expression of willingness to remove the objections might affect his right to rescind the contract, on the ground of his not being *willing* to remove objections; but how could it affect his right to rescind the contract on the ground of *incapacity* to remove them? And how could the question, whether he was or was not *unable* to remove objections, be determined except by letting the cause go on to a hearing? It was held, however, by his Honor, that, on the true construction of the seventh condition, the vendor's right to rescind the contract was not co-existent in point of duration with the continuance of the transactions, but was limited to the first delivery of objections; and that, if, upon such delivery within ten days, the vendor elected to answer them, he was for ever after precluded from rescinding on the terms of the seventh condition. The motion came on before Lord Cottenham on appeal; and though his Lordship dissolved the injunction, he did so on grounds independent of the construction of the seventh condition of sale; on that, he neither approved nor disapproved the Vice-Chancellor's decision. (See 2 Hare, p. 110, per Vice-Chancellor Wigram, and 4 Jur. 312; see also on this point, Hayes's Conv., 5th edit., vol. 2, p. 204).

In the case in 2 Hare, (*Morley v. Cook*), the judgment of the Vice-Chancellor Wigram plainly treats *Tanner v. Smith* as an authority on the question of construction. In that case the condition of sale was as nearly as possible the same as in *Tanner v. Smith*, viz. that, in case the purchaser should raise objections to the title, which the vendor should not be able or willing to remove, the vendor might rescind the contract on notice, and repayment of the deposit to the purchaser; and objections not delivered within fourteen days after delivery of the abstract were to be treated as waived, in which respect time was to be deemed of the essence of the contract. And the state of circumstances, or, at least, the assumed state of circumstances, (see p. 114), on which the Vice-Chancellor's judgment was given, was the same as in *Tanner v. Smith*, viz. an abstract delivered,—and objections taken to it by the purchaser,—answers (not merely argumentative) to the purchaser's requisitions furnished by the vendor,—and a subsequent correspondence and treaty upon the footing of the vendor proceeding to complete his title.

In his judgment, at which his Honor appears to have arrived not without some doubt in his own mind, he proceeded partly on the construction of the clause before him, which, however, it does not appear would have been alone sufficient to determine his opinion, (see p. 114); partly on the authority of *Tanner v. Smith*; and partly on the leaning of equity to put on such conditions of sale a rigid construction in favour of that party, who, as his Honor observed, could not know their meaning until *ex post facto* decisions of a court of justice informed him of it.

*Cutts v. Thodey* (6 Jur. 1027) was also a case in which there was a condition of sale, reserving to the vendor the right of rescinding the contract; but it differs considerably from *Tanner v. Smith* and *Morley v. Cook*. The sixth condition in *Cutts v. Thodey* was, "that, if a valid objection be made to the title within twenty-one days after the delivery of the abstract, or if the purchaser shall require evidence in support thereof not in the possession of the vendor, he shall be at liberty to rescind the contract on returning to the purchaser his deposit with interest, in full satisfaction of the claim of such purchaser; but all objections to the title, not made within the period aforesaid, shall be considered as waived." And there was a further condition, that, if the purchaser failed to comply with any of the condi-

tions, the vendor should be at liberty to return the deposit, and to resell, &c.

The purchaser did not take his objections within twenty-one days; but on their being made they were replied to, a further abstract was furnished, and various protracted negotiations took place. Ultimately, the purchaser demanding further explanations, which the vendor refused, the latter resold, and the purchaser filed his bill, and the Vice-Chancellor decreed specific performance. The case appears to have been decided on the ground of waiver by the vendor of his right to treat, under the sixth condition, the objections not made within twenty-one days as waived. And it was not necessary to decide expressly the point, whether, as to the right of the vendor to rescind, under the sixth condition, that right was gone by his replying to the objections. In fact, that point properly could not arise, because, in the way in which the condition was framed, it only reserved the right in respect to valid objections made within twenty-one days from the delivery of the abstract; and as to objections made after that, they were provided for by the last branch of the condition.

There can, however, be but little doubt, that, if *Tanner v. Smith* and *Morley v. Cook* are right, such a condition as that in *Cutts v. Thodey* would be held gone for ever, if the vendors once answered the objections after the time limited; for the condition in *Cutts v. Thodey* could not, by any mode of reading it, bear the construction, (which would certainly not be absurd in the other two cases), that it was intended to extend over the whole period of the negotiations.

On the class of conditions affecting the right of the purchaser to call for evidences of title, the doctrine of *Southby v. Hutt*, (2 My. & C. 267), has been followed in a very recent case. (*Osborne v. Harvey*, ante, p. 228). The fourth condition in that case provided that the vendor should deliver an abstract, but not in terms, as in *Southby v. Hutt*, that he should make a *good title*; that the purchaser should collate at his own expense, with the abstract, such of the title-deeds as the vendor had not at the places where they were, and should not require them to be produced elsewhere. The seventh was the usual one, as to obtaining copies &c. at the expense of the purchaser; and the eighth, like part of the sixth in *Southby v. Hutt*, that the vendor should not be compelled to produce any original deeds or other documents not in his possession or custody. But for this last condition, it would have been perfectly clear that the fourth condition did not go to affect the right of the purchaser to insist upon the production generally of deeds not in the possession of the vendor, but only to throw the expense of their production, and the collation, where they might be, on the purchaser; but, except in pursuance of the doctrine of *Southby v. Hutt*, it would not, we apprehend, have been so clear, that the eighth condition was not intended expressly to protect the vendor from being called upon to take steps for compelling the production of deeds in the custody of other parties. It was decided, however, in *Osborne v. Harvey* (the Vice-Chancellor expressed himself as feeling no difficulty on the case), that the intention to confine the purchaser to dispense with other evidence than the abstract, of the existence and contents of deeds not in the possession of the vendor, unless he could, independently of the vendor, obtain such evidence, was not expressed in that plain, clear, and unambiguous language, that the court would construe the condition of sale to have that effect.

\* Something, it is presumed, must have fallen from his Honor on this point, which the reporter has not thought necessary to record, as the Vice-Chancellor Wigram, in *Morley v. Cook*, (2 Hare, 115), mentions, that he had reason to know that the Vice-Chancellor of England intended to reassert in *Cutts v. Thodey* the opinion attributed to him in *Tanner v. Smith*.

It is pretty clear now, therefore, upon the authority, that, if a vendor wishes to protect himself against the liability to verify the abstract as to any deeds not in his possession, he must expressly state, not merely that he shall not be bound to produce them, but that the purchaser is to be entitled to no evidence or assistance in any manner or for any purpose, by or from the vendor, in respect of such deeds, nor to any proof whatever of the truth of the statements on the abstract in respect of them, except such statements themselves. And as to conditions for rescinding the contract by the vendor, if valid objections are taken, that, if a vendor wishes such a condition to be capable of being exercised at any time, or, in other words, not to be destroyed in equity by one act of waiver, he must state so in the most express and unmistakable words that language can afford.

#### REFUTED OWNERSHIP OF POLICIES OF INSURANCE, &c.

A young equity lawyer of ability might very profitably employ part of the weary interval that separates the termination of his pupillage from the commencement of his practice, in composing a treatise on the Doctrine of Notice in all its branches, and including all the various subjects to which that term is applied in Equity and Bankruptcy. Not that we think his labours would ever be crowned with that satisfactory result which a recent writer on the Law of Perpetuities\* has arrived at of "developing a general and consistent scheme by which apparently conflicting decisions may be reconciled, and an harmonious completeness given to the entire subject." On the contrary, the advantage we anticipate from such a general survey of this department of Equity Law, is, that the almost incredible inconsistencies and absurdities with which it is deformed, and the various practical mischief which some of its rules occasion, might be collected and exposed with such concentrated effect as to provoke summary condemnation and reform. Our present object is not to advert to any of those anomalies or grievances which have long been established and complained of, such as the doctrine of constructive notice, the rules with regard to notice to trustees, as qualified in *Jones v. Jones*, (8 Sim. 633), the law of notice as connected with the register acts, &c.; but to call attention to a new anomaly, which seems to be in a fair way of establishing itself, and which deserves attention on account not so much of its intrinsic importance as of the complete confusion of principles, hitherto kept tolerably distinct, with which its recognition would be attended.

The doctrine to which we allude made its first appearance, we believe, in the case of *Duncan v. Chamberlayne*, (14th December, 1840, 11 Sim. 123). The very absurd and inconvenient doctrine had been established in previous cases, (*Williams v. Thorp*, 2 Sim. 367; *Es parte Colvill*, Mont. 110; *S. C.*, nom. *Es parte Tennyson*, Mont. & Bligh, 67; *Es parte Stright*, 2 Deac. & Chit. 314), that the assignment of a policy of life insurance by the insured, accompanied by an actual delivery of the policy itself, is not sufficient to take it out of the reputed ownership of the insured, he being a trader; or in any case to confer a perfect equitable title to the money, within the principle of *Deals v. Hall and Loveridge v. Cooper*, (3 Russ. 1). Some unwise attempts were made by the late Sir John Cross to interfere with this rule, but it is now well settled. (*Es parte Arkwright*, 3 Mont. D. & De Gex, 129). In *Duncan v. Chamberlayne*, a policy of life insurance which had been effected with the Equitable Assurance Society, was as-

signed to the plaintiff as a security for the debt, and no notice was given to the office; and the assignor having subsequently taken the benefit of the Insolvent Debtors Act, the question arose whether notice ought not to have been given to the assurance society in order to take the policy out of the order and disposition of the insolvent. It appeared that, by the constitution of the Equitable Assurance Society, every person who effects an insurance with the society, becomes, ipso facto, a partner in it. The Vice-Chancellor of England held that the want of actual notice was immaterial in the particular case before him, because "The rule is, that notice to one partner is notice to the partnership; and as all the insurers in the Equitable Assurance Office are partners in the society, the fact of the assignment of a policy by one of the assured must be taken to be a fact of which the society had notice." The same doctrine was acted upon in the cases of *Es parte Ross re Ross*, (2 Mont. D. & De Gex, 131; and *Es parte Smith re Skyan*, (Id. 213).

These decisions and dicta stand at present uncontradicted, although it may be gathered from the language of Sir J. L. Knight Bruce in the case of *Es parte Arkwright*, (3 Mont., D., & De Gex, 144), and of Sir James Wigram in the case of *Pinkett v. Wright*, (2 Hare, 137), that neither of those learned judges is much disposed to favour the doctrine in *Duncan v. Chamberlayne*. When the difference between the nature and effect of the notice which in other cases has been held to bind all the members of a firm, although only communicated to one of them, and the nature and effect of that notice which is required to perfect an equitable title, or to rebut the reputation of a trader's ownership of a chose in action, is considered, it will be apparent that the doctrine cannot for a moment be sustained.

When parties are fixed by a court of equity with constructive notice of any facts, they are held liable in the same manner as if those facts had actually come to their knowledge; because, unless they were to be made liable, parties would always employ agents in all negotiations and transactions where there was a possibility of the existence of prior claims, and so avoid the unwelcome discoveries and responsibilities which must have followed their own personal investigations. Therefore, all the members of a partnership are made liable for the acts of one of them, and are presumed to know every thing that he has notice of; since, unless this were so, it would be easy for them to enjoy all the advantages of a fraud committed by one of their members, and, by shutting their eyes to all that was doing, and abstaining from inquiries, to escape the consequences of direct notice. This is a rule, which, though it has been carried to extreme lengths, is based upon an intelligible and reasonable foundation.

The notice which is required for the purpose of completing an equitable title, or excluding the reputation of ownership, is of an entirely distinct nature, and is required to be given for entirely distinct purposes. The object here is to provide a sort of equitable registry, to enable those who may be induced to deal with a party on the faith of his possessing a certain legal or equitable chose in action, to ascertain by inquiry whether he still retains the unencumbered title which he once had; and therefore, no assignments or incumbrances affecting such property are allowed validity as against purchasers or creditors, unless they are in a manner registered with or notified to the debtor, trustee, or stakeholder, so that he may be enabled to answer inquiries respecting the state of the title. So far as the notice has the effect of enabling all persons who will be at the trouble to make proper inquiries to obtain the information they are in search of, to that extent the object of the rule requiring notice is attained; and a notice which has not that effect is not such a notice as the rule requires, and ought not to be allowed to satisfy it. For

\* Mr. W. D. Lewis, whose learned and laborious (and we must add, prodigiously large) treatise we shall take an early opportunity of noticing.



all the purposes of this rule, the trustee or stakeholder stands indifferent; there is nothing of which he at his peril is bound to take notice; and the notion of notice to him by implication is out of the question. Notice to one's solicitor of that, which, knowing, one is bound to regard, is notice to one's self; but will any one pretend that notice to the solicitor of a trustee or of an insurance company is such a notice as the rule in *Dearle v. Hall*, &c., contemplates?

But not only was a rule applied to the circumstances in *Duncan v. Chamberlayne*, with which those circumstances had nothing to do, but the rule itself, that was so wrongly applied, was misunderstood. The rule as to implied notice is, that notice to one's solicitor, agent, partner, &c., is notice to oneself only when the fact to which the notice relates is not a fraud committed by the solicitor, agent, &c., himself. A matter indifferent to himself, but concerning the interest of his employer or partner, he will probably communicate, and therefore his knowledge is notice to his employer, &c.; a fact which it is his interest and study to conceal, he will not communicate, and therefore, of the communication of such a fact, his confidential character raises no presumption. (*Kennedy v. Green*, 3 My. & K. 698). In *Duncan v. Chamberlayne*, the question was, whether the assignee of the policy had left it in the power of the assured to obtain a false credit on the reputation of his owning the policy; and the ground on which it was held he had not was, that the assured must be presumed to have communicated that to his partners, which—it is the foundation of the question—it was his interest and intention to conceal from everybody. And it is vain to answer, that not only was the assignor a partner, but that the assignee, when he took the policy, became ipso facto a partner, and from him no concealment was to have been expected. Properly speaking, he could not become a partner until he had obtained the assent of the other members, and observed the forms required by the laws of the company. But, even if he could in any sense be allowed to fill that character, still he was not brought within the rule in *Dearle v. Hall*, &c., which requires notice to be given to a known trustee, and not to one whose very existence is as latent as that of the incumbrance itself. But, independently of technical reasoning, can anything be more preposterous than the doctrine involved in the case under consideration, viz. that no one is to take an assignment of a policy in a mutual insurance office, or to trust to any apparent ownership of such a policy, until he has gone round and interrogated every partner; that is to say, every person insured in it?

The decisions on the question of notice, prior to *Duncan v. Chamberlayne*, are indeed very unsatisfactory, and require revision. In *Ex parte Carbis*, (4 Deac. & Chit. 354), the assignee had sent his agent to pay the premiums, who casually mentioned the assignment during a conversation with one of the clerks of the office, and this was properly held too loose to stand for notice. In *Ex parte Burbridge*, (1 Deac. 131), by the rules of an insurance company, no person not being a director could hold more than two shares in his own name, although he might be beneficially entitled to shares standing in the name of another. A proprietor of two shares having purchased other two, caused them to be entered in the books in the bankrupt's name, who executed a declaration in trust, but in all dealings with the company was treated as the proprietor. One of the directors and the actuary of the company were cognizant of the trust, but nevertheless the shares were, by Sir Lancelot Shadwell, (then filling the character of one of the Lords Commissioners of the Great Seal), held to have been in the bankrupt's reputed ownership. In *Ex parte Bignold*, (3 Mont. & Ayr. 27), the court was divided in opinion, whether, when shares in a company were deposited as security with B., as secretary

for another company, as a security to such company, that was sufficient without formal notice, B. being also one of the secretaries to the first-mentioned company. In *Ex parte Harrison*, an agreement between a shareholder and a managing director of a company, that shares belonging to the former should be a security for an accommodation bill accepted by the director and discounted with B., who held the certificate of the shares, was held to take the shares out of the depositor's reputed ownership, although no formal notice was given or transfer made. In *Smith v. Smith*, (2 C. & M. 231), an informal notice to one of several trustees was held sufficient; and in *Ex parte Smart*, (2 Mont. & Ayr. 60), where the assignee himself was one of the trustees, it was held that no further notice was requisite. In *Edwards v. Scott*, (2 Scott, N. R., 271), where the circumstances were very similar to those in *Ex parte Carbis*, but the rule of the office required notices to be in writing, the court decided that there was no precise rule on the subject, but that the question was one of fact, to be left to the jury in each case. The case which went the farthest was *Ex parte Walthman*, (4 Deac. & Chit. 412), where the bankrupt, being one of the directors of the company in which his life was insured, deposited the policy at his bankers as a security, one of the bankers being one of the auditors of the insurance company; and the Court of Review held that the policy was not in the bankrupt's reputed ownership, observing, "that it was superfluous to give a specific and formal notice when one of the directors and the creditor of the company were both cognizant of the fact." Upon this decision Sir Edward Sugden, C., has made the following remarks: "There is some difficulty about *Ex parte Walthman*; there it appears that one of the parties was a director and one the auditor; and it was held, that there was sufficient evidence of the office having had notice, and that it was superfluous to give a specific and formal notice when one of the directors and the auditor of the company were both cognizant of the fact. That case bears more closely upon this case than any other case cited. There is however, considerable difficulty about it; because, if the object of requiring a notice is, to prevent the assignee from reassigning, such a notice is not likely to effect that object. The director is not likely to communicate the notice to the board, as this would be a confession by him of his being obliged to part with the policy. One would imagine that the proper rule should be, that no notice should be given to the officer representing the company. The circumstance of one of the parties being an auditor does not account for the decision in *Ex parte Walthman* because there is nothing to shew that an auditor was the proper officer to receive notices." "The general rule is, that the notice must be sufficient to effect its object. Not if the object of requiring notice be to prevent mistake as to the property in the chose in action, it is likely to be effected by a plan of this kind?" (*Ex parte Hennessey*, Conn. & Laws. 559). In that case a notice, which was even formally correct, was properly held to be of no value, because it did not fulfil the intention of the rule. A local agent of an insurance company assigned a policy on his own life effected in that company, and a formal notice of the assignment which was given to him was held insufficient to take the policy out of his reputed ownership. There was nothing in the policy to shew that it had been effected at the local office, and the presumption was of course the other way; and it appears that the practice was not to transmit notices from the branches to the head offices. It seems to us, that the true principle was laid down and acted upon by the Lord Chancellor of Ireland in this case, as it was still more explicitly stated by Sir James Wigram, V. C., in a recent case, in these words: "I cannot consider myself at liberty in this particular case to do more than inquire whether in fact the office had such a notice of

the assignment as would have subjected them to the liability to pay the amount of the policy a second time, if they had paid it to the bankrupt's assignees." (*West v. Reid*, 2 Hare, 256).

Upon another point connected with the reputed ownership of policies of insurance, two decisions have recently been made, in which it is difficult to acquiesce. In the first of the cases to which we allude, (*Gibson v. Overbury*, 7 Mee. & W. 555), it was held, that the assignees of a bankrupt could not recover in trover the policy or instrument by which a sum of money was insured upon the bankrupt's life, and which he had before his bankruptcy deposited with the defendants as a security; although, in consequence of no notice of the deposit having been given to the office, the title to the money itself secured by the policy had remained in the bankrupt's reputed ownership, and passed to the assignees. It is not easy to gather from the judgment of the court the precise grounds upon which they conceived the title of the defendants to retain the policy should be rested; but while they admitted the assignee's title to the benefit of the policy, they seem to have considered that the defendants had a lien upon the instrument itself, i. e. upon the paper, as distinguished from the rights which it conferred or evidenced. But in this the court evidently confounded a lien at common law, which was all they had to deal with, and a charge or security in equity. The equitable title was unquestionably in the assignees; and the legal title of the defendants to retain possession could only have been founded either on an absolute right of property, which the court admitted he had not, or a lien at common law, which also it is certain he had not. Such a lien could only arise at the common law from his having bestowed labour or expense upon the chattel for the purpose of altering or improving it, (*Landman v. Bell*, 2 C. & M. 311), which he had not done, since payments of premiums could not of course affect the value of the paper as such; or from express contract; but here there was no express contract; and the implied contract was, that he should have a lien, not on the worthless paper, but on the valuable rights which it evidenced. The rule is, that the party who is entitled to any estate or right is entitled to the deeds which prove his title; and the court, by admitting that the plaintiffs had a complete legal title to the money secured by the policy, admitted their right to the policy itself.

In *West v. Reid*, (2 Hare, 249), the other case to which we alluded, Sir J. Wigram, V. C., held, that the mortgagee of a policy of insurance, who had neglected to take the proper steps for excluding the mortgagor's reputed ownership of it, was entitled, as against his assignees, to a lien upon the produce of the policy for the amount of the premiums which such mortgagee had paid for keeping the policy on foot, as well before as subsequently to the fiat. And for this part of his decision his Honor relied on the cases of *Schondler v. Wace*, (1 Camp. 487), *Gibson v. Overbury*, and *Burridge v. Row*, (1 You. & C., N. C., 183). In *Schondler v. Wace*, the premiums for which a lien was allowed, had partly accrued due, and were all paid subsequently to the date of the commission; so that the payments were in fact made to the use of the assignees. In *Gibson v. Overbury*, the point did not arise; and in *Burridge v. Row*, also, there was no conflict of claim between a party claiming a lien and assignees in bankruptcy insisting on a right founded on reputed ownership. The decree therefore in *West v. Reid* stands unsupported by authority, and certainly seems to be irreconcilable with principle, and even inconsistent with itself. A bankrupt obtains money on the security of a policy which remains in his own reputed ownership, and applies part of that money in keeping up the policy—the court holds that the lender has no specific security for any part of

his advances as against the assignees;—how can it make any difference, that the lender, instead of keeping up the policy by payments through the hands of the bankrupt, makes those payments directly with his own hands? Are not the advances equally for the benefit of the bankrupt in both cases? and is he not equally in both cases the reputed owner of an unincumbered policy? Can it be said that the implied lien which arises out of payments made for the benefit of the bankrupt, is stronger than the charge by express agreement between the parties of monies actually paid into his hand? If a friend advances money from time to time to enable a trader to purchase stock in the funds, or to fill his warehouses, or to manufacture his raw material, can it be pretended for a moment that he has a lien upon the articles purchased or improved at his expense, and left in the order and disposition of the trader to enable him to maintain a false credit?

## COMMON-LAW SITTINGS, MICH. TERM.

### Court of Queen's Bench.

In Term.

MIDDLESEX.	LONDON.
1st sitting, Friday... Nov. 3	
By adjournment until	
2nd sitting, Wednesday .. 8	
By adjournment until all	
the lists are tried.	
Undefended.	
3rd sitting, Thursday, Nov. 23	Friday ..... Nov. 24
(Sit at half-past 9 o'clock)	
After Term.	
Monday ..... Nov. 27	Tuesday ..... Nov. 28
	(To adjourn only).

The court will sit at eleven o'clock in term in Middlesex, except the last sitting; at twelve in London; and in both at half-past nine after term.

By Order.—No cause of tres., tres. on the case, or replevin or feigned issues (unless specially appointed) will be inserted in the daily lists for the sittings in term, but, with other long causes, will be postponed from the 3rd and 8th November to the 27th.

Short defended as well as undefended causes, entered for the sitting on November 24th, will be tried on that day, if the plaintiffs wish it, unless there be a satisfactory affidavit of merits.

Causes standing over with judgment of the term in Middlesex will be taken on the 27th November, if the writs are resealed.

Plaintiffs' attorneys are requested to apply in court when the last cause is called on, on the 7th November, for their record and writs, in order to reseat the writs and see that the dates are right for the second sittings, which begin on the 8th November.

### London Gazettes.

TUESDAY, SEPTEMBER 26.

#### BANKRUPTS.

JOSEPH FRANCIS SPORER. St. James's-street, Piccadilly, tailor, Oct. 14 at 2, and Nov. 10 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Pike, 26, Old Burlington-street.—Fiat dated Sept. 20.

RICHARD PARKER, Deptford-row, Rotherhithe, Surrey, linen draper, Oct. 14 at half-past 2, and Nov. 7 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. James, 5, Basinghall-street.—Fiat dated Sept. 18.

SAMUEL BURGESS, Dunstable, Bedfordshire, tailor, Oct. 11 at 11, and Nov. 7 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Teague, Crown-court, Cheapside.—Fiat dated Sept. 12.

JOHN ETOCK, Leeds, Yorkshire, linen draper, Oct. 7 and 26 at 12, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Edward & Co., Manchester; T. & J. Lee, Leeds; Hammond, Farnival's-inn, London.—Fiat dated Sept. 5.

**HENRY HUGH BARKER** and **JAMES BEAN**, Argyll-street, Oxford-street, tailors, Oct. 7 at 1, and Nov. 10 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Watson & Son, Bouverie-street.—Fiat dated Sept. 22.

**SAMUEL CANNING**, Warwick, victualler, Oct. 12 at half-past 11, and Nov. 2 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. King & Russell, Warwick.—Fiat dated Sept. 21.

#### MISTINES.

**Frederick Pryor Everett**, Reading, Berkshire, draper, Oct. 5 at 2, Court of Bankruptcy, London, last ex.—**Ellis Hannah Foster**, Hathern, Leicestershire, tanner, Oct. 5 at 12, Court of Bankruptcy, London, last ex.—**Wm. Whitefield**, Bridgewater, Somersetshire, grocer, Oct. 18 at 12, District Court of Bankruptcy, Exeter, last ex.—**Chas. Thompson**, St. Andrew's-road, Horse-monger-lane, Newington, Surrey, builder, Oct. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—**T. Patmore Chalk**, Linton, Cambridgeshire, draper, Oct. 19 at half-past 10, Court of Bankruptcy, London, aud. ac.—**E. B. Kilpin**, Ryde, Southampton, watch maker, Oct. 20 at 11, Court of Bankruptcy, London, aud. ac.—**P. P. Thoms**, Warwick-sq., London, printer, Oct. 19 at 12, Court of Bankruptcy, London, aud. ac.—**J. A. Stirton**, Chandos-st., Covent-garden, Middlesex, grocer, Oct. 19 at 1, Court of Bankruptcy, London, aud. ac.—**S. N. Wright**, Woburn, Buckinghamshire, paper manufacturer, Oct. 19 at half-past 1, Court of Bankruptcy, London, aud. ac.—**John Wm. Horend**, Paradise-st., Lambeth, builder, Oct. 19 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Charles Gilby**, Greenwich, Kent, wine merchant, Oct. 19 at 2, Court of Bankruptcy, London, aud. ac.—**Abraham Harris**, Sharp's-buildings, Tower-hill, Middlesex, slopseller, Oct. 20 at half-past 11, Court of Bankruptcy, London, aud. ac.—**Geo. Chapman**, Aylesbury, Buckinghamshire, grocer, Oct. 19 at half-past 2, Court of Bankruptcy, London, aud. ac.—**Evan Hall**, Narbeth, Pembrokeshire, draper, Oct. 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Oct. 20 at 11, div.—**Sam. L. Truscott**, Minehead, Somersetshire, coal and lime merchant, Oct. 18 at 11, District Court of Bankruptcy, Exeter, aud. ac.; Oct. 19 at 11, div.—**John Pattison**, Bridlington-quay, Yorkshire, saddler, Oct. 19 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Oct. 21 at 11, div.—**John Bennett**, Manchester, calico printer, Oct. 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 24 at 12, div.—**James France**, Manchester, cotton manufacturer, Oct. 23 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 24 at 12, div.—**Jas. Brown** and **Rob. H. Barrett**, High-st.-place, White Horse-lane, Stepney, Middlesex, machinists, Oct. 21 at 2, Court of Bankruptcy, London, div.—**Francis Wakefield** and **Chas. G. Wakefield**, Old Broad-street, London, brokers, Oct. 21 at 1, Court of Bankruptcy, London, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

**J. Oliver**, Stony Stratford, Buckinghamshire, iron master, Nov. 10 at half-past 12, Court of Bankruptcy, London.—**W. Claringbold**, St. Alban's, Hertfordshire, innkeeper, Oct. 19 at 11, Court of Bankruptcy, London.—**Ed. B. Kilpin**, Ryde, Southampton, watch maker, Oct. 26 at 1, Court of Bankruptcy, London.—**M. W. Vardy**, Newbury, Berkshire, bookseller, Oct. 20 at 12, Court of Bankruptcy, London.—**James Johnson**, Little Abington, Cambridgeshire, builder, Oct. 18 at half-past 1, Court of Bankruptcy, London.—**Dudley Hart**, Cambridge, perfumer, Oct. 18 at 2, District Court of Bankruptcy, London.—**Richard Kay**, Halton, Whitchurch, Yorkshire, grocer, Oct. 18 at 11, District Court of Bankruptcy, Leeds.—**Jesse Siddon**, West Bromwich, Staffordshire, hollow ware manufacturer, Oct. 21 at 12, District Court of Bankruptcy, Birmingham.—**James Hodges**, Wolverhampton, Staffordshire, stock-lock maker, Oct. 21 at 12, District Court of Bankruptcy, Birmingham.—**Nath. Walsh**, Over Darwen, Lancashire, paper makers, Oct. 17 at 12, District Court of Bankruptcy, Manchester.—**J. Fairfax**, Leamington Priors, Warwickshire, printer, Oct. 21 at half-past 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 17.

**Rich. Armfield**, King-street, Cheap-side, button manufacturer.—**Jas. Turner** and **Thos. Turner**, New-mill, Kirkburton, Yorkshire, clothiers.—**Jas. Stoodley**, Bridport, Dorset-

shire, twine manufacturer.—**Nich. Garvie**, Rahere-street, St. Luke, tailor.—**Edward Farmer**, Wellington, Shropshire, tin dealer.—**John Garsed**, Elland, Halifax, Yorkshire, cloth dresser.—**Wm. Greenwood**, Greenacres-moor-side, Oldham, Lancashire, corn dealer.—**Jas. Schofield**, Oldham, Lancashire, grocer.—**Thos. Miller**, Green-st., Leicester-sq., baker.

#### FIATS ANNULLED.

**Chris. J. Spencer**, Carlisle, upholder.—**John Wade**, Lynn Regis, Norfolk, stationer.

#### PARTNERSHIP DISSOLVED.

**W. F. Patterson**, **J. Bass Handbury**, and **John Chimery**, Leamington-priors, Warwickshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

**Jessie Wilson**, Tain, hotel keeper.—**Ferguson**, **Monteith**, & **Co.**, Glasgow, merchants.—**John Mitchell**, Glasgow, clerk.—**Alex. Boswell**, Edinburgh, brush manufacturer.

#### DECLARATIONS OF INSOLVENCY.

**Sarah Jane Tolson**, Leeds, Yorkshire, brick maker.  
**William Hunter**, Sheffield, Yorkshire, painter.  
**Geo. Allen**, Masbrough, Kimberworth, Yorkshire, beer-house keeper.  
**Wm. Middleton**, Mold-green, Kirkheaton, Yorkshire, horse-breaker.  
**Thomas Pitcher**, Ramsgate, Kent, teacher of music.  
**John Weeks**, White Conduit-street, Clerkenwell, master mariner.

#### INSOLVENT DEBTORS.

Saturday, Sept. 23.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

**Wm. Rose**, Eltham, Kent, grocer, No. 55,199 T.; **Arthur Davis**, new assignee, in the place of **Alfred Davis**, deceased, late assignee.—**Wm. Davenport**, Stockport, Cheshire, retail beerseller, No. 63,430 C.; **Samuel Isherwood** and **Thos. Robinson**, assignees.—**T. Woods**, Wigan, Lancashire, plumber, No. 62,705 C.; **William Atkinson**, assignee.—**John Hullah**, Aske-street, Hoxton New Town, silk manufacturer, No. 46,274 T.; **Wm. Brown**, assignee.—**Wm. Geo. Broad**, Darwen, Kent, butcher, No. 52,300 C.; **George Phipps**, assignee.—**Soren Rasmussen Røed**, Warkworth, Northumberland, captain of the vessel *St. Helena*, No. 62,077 C.; **Jas. Donaldson** and **Wm. Shields**, assignees.—**Joseph Bateman**, Slough, Buckinghamshire, butcher, No. 63,124 C.; **John Griffiths**, assignee.—**John Mc'Kellar**, Hemingford-terrace, Islington, stock jobber, No. 55,498 T.; **Wm. H. Story**, assignee.

The following Prisoners are ordered to be brought before a Commissioner on Circuit:—

**Court-house, BRECON, Brecknockshire**, Oct. 17 at 10.  
**Thomas Proper**, Llanelly, assistant ironmonger.—**James Lloyd**, sen., Newry, Llandudnoyrcwm, out of business.—**D. Powell**, Brecon, shoemaker.—**Charles Lewis**, Buith, out of business.

**Court-house, CARMARTHEN, (County)**, Oct. 19 at 10.  
**John Thomas**, St. Clear's, victualler.—**David Thomas**, St. Clear's, labourer.—**Joseph Thomas**, St. Clear's, butcher.—**J. Hughes**, St. Clear's, victualler.

**Court-house, SHEFFIELD, Yorkshire**, Oct. 20 at 10.  
**John Warren**, Sheffield, scissor chaser.

#### FRIDAY, SEPTEMBER 29.

#### BANKRUPTS.

**JAMES SMITH**, Hoxton Old Town, Middlesex, linen-draper, Oct. 10 at 11, and Nov. 7 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. White, London-wall.—Fiat dated Sept. 22.

**JOHN WALTER GRAY** and **ROBERT GRAY**, Bishops Waltham, Southampton, corn dealers and seedsmen, Oct. 11 at 10, and Nov. 10 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Sharp & Co., Southampton; Jones & Co., 1, John-street, Bedford-row.—Fiat dated Sept. 18.

**CHARLES CHAMBERS**, Peterborough, Northamptonshire, liquor merchant, Oct. 7 at 2, and Nov. 14 at 11, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Wilkinson, Peterborough; Comerford, 27, Old Broad-st.—Fiat dated Sept. 14.

**SHADRACH WESLEY**, Long Bankley, Northamptonshire, baker, Oct. 6 at 10, and Nov. 10 at 1, Court of Bankruptcy, London: Off. Ass. Gibson; Sols. Pell, Northampton; Weller, 8, King's-road, Bedford-row.—Fiat dated Sept. 11.

**WILLIAM SMART**, Billingham, Sussex, dealer and chapman, Oct. 11 at 10, and Nov. 16 at half-past 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Read, Worthing; Palmer & Co., 24, Bedford-row.—Fiat dated Sept. 27.

**ROBERT KIPLING**, Wood-st., Cheapside, London, warehouseman, Oct. 18 and Nov. 10 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Stevens & Co., 6, Queen-street, Cheapside.—Fiat dated Sept. 21.

**ROBERT KIPLING and WILLIAM ATKINSON**, Wood-st., Cheapside, London, warehousemen, Oct. 18 and Nov. 10 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. G. & C. Corner, 1, Dean-street, Southwark.—Fiat dated Sept. 29.

**EDMUND GOLDSBURY**, Hastings, Sussex, draper, Oct. 7 at 12, and Nov. 8 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Reed & Shaw, Friday-street, Cheapside.—Fiat dated Sept. 25.

**HENRY WATTS**, Bristol, sail maker, Oct. 13 at 1, and Nov. 10 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sol. Hinton, Bristol.—Fiat dated Sept. 22.

**JAMES BROWN CARSON**, Liverpool, merchant, Oct. 13 at half-past 12, and Nov. 10 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Bardwell & Littledale, Liverpool; Vincent & Co., King's Bench-walk, Temple.—Fiat dated Sept. 26.

**JAMES HILL**, Durham, grocer and tea dealer, cheese and bacon factor, Oct. 6 at 12, and Nov. 14 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Heyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry.—Fiat dated Sept. 20.

#### MISTINGS.

*Wm. Crompton and Wm. B. Cotton*, Liverpool, merchants, Oct. 11 at half-past 12, District Court of Bankruptcy, Liverpool, ch. ass.—*Thomas Cheslett*, Gracechurch-street, boxer, Oct. 10 at half-past 11, Court of Bankruptcy, London, last ex.—*John Clarke, Rich. Mitchell, Jos. Philips, and Thomas Smith*, Leicester, bankers, Oct. 24 at 11, District Court of Bankruptcy, Birmingham, last ex.—*John Wilson*, Wigton, Cumberland, draper, Oct. 10 at half-past 2, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thos. Humble*, Altwick, Manchester, grocer, Oct. 23 at 11, District Court of Bankruptcy, Manchester, last ex.—*John George*, Broad-st., Cheapside, and James-st., Hare-st., Bethnal-green, silk manufacturer, Nov. 4 at 11, Court of Bankruptcy, London, and ex.—*John Johnson*, Anston, Yorkshire, miller, Oct. 20 at 11, District Court of Bankruptcy, Leeds, and ex.; Oct. 23 at 11, div.—*John Smith*, Rochdale, Lancashire, corn miller, Oct. 25 at 11, District Court of Bankruptcy, Leeds, and ex.—*Peter Wright*, Leeds, Yorkshire, grocer, Oct. 24 at 11, District Court of Bankruptcy, Leeds, and ex.; Oct. 26 at 11, div.—*Wm. Swan, jun.*, Liverpool, merchant, Oct. 24 at half-past 11, District Court of Bankruptcy, Liverpool, and ex.—*Sam. Jo. Clegg and John Whitby*, Liverpool, Oct. 24 at 12, District Court of Bankruptcy, Liverpool, and ex.—*Francis T. Walker*, Liverpool, merchant, Oct. 24 at 11, District Court of Bankruptcy, Liverpool, and ex.—*Thos. Brooke*, Liverpool, victualler, Oct. 17 at 2, District Court of Bankruptcy, Liverpool, and ex.—*Wm. Waddell*, Liverpool, merchant, Oct. 17 at half-past 1, District Court of Bankruptcy, Liverpool, and ex.—*Jos. Dieben*, Wollerton, Hodnet, Shropshire, woolstapler, Oct. 28 at 12, District Court of Bankruptcy, Birmingham, and ex.—*Wm. Ryland*, Liverpool, tanner, Oct. 17 at 1, District Court of Bankruptcy, Liverpool, div.—*Rich. Shepherd*, Liverpool, shoe maker, Oct. 23 at 1, District Court of Bankruptcy, Liverpool, div.—*Ann Gittins and John Cartwright*, Sarewsbury, Shropshire, ironmongers, Oct. 28 at 12, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*J. R. H. Withers*, Bristol, linen draper, Oct. 24 at 2, Court of Bankruptcy, London.—*Henry Buggeln*, Prestatyn, Flintshire, alkali manufacturer, Oct. 24, District Court of Bankruptcy, Liverpool.—*Chas. Jas. Morley*, Liverpool, flour dealer, Oct. 23 at half-past 12, District Court of Bankruptcy,

Liverpool.—*Richard Brown, Richard Brown, jun., and Wm. Brown*, Prescott, Lancashire, balance makers, Oct. 24 at half-past 12, District Court of Bankruptcy, Liverpool.—*Isaac Hooley*, Nottingham, miller, Oct. 21 at 11, District Court of Bankruptcy, Birmingham.—*Wm. Nison*, Boston, Lincolnshire, ironmonger, Oct. 28 at 11, District Court of Bankruptcy, Birmingham.—*Richard Solly*, Nov. 1 at half-past 11, District Court of Bankruptcy, Birmingham.—*Nath. N. Solly*, Nov. 1 at half-past 11, District Court of Bankruptcy, Birmingham.—*John Wood*, Manchester, baker, Oct. 23 at 12, District Court of Bankruptcy, Manchester.—*Joseph Higginbottom*, Ashton-under-Lyne, Lancashire, money scrivener, Oct. 26 at 12, District Court of Bankruptcy, Manchester.—*Jeremiah Scott*, Manchester, innkeeper, Oct. 23 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 20.*

*Thomas Slagg*, Manchester, merchant.—*John A. Stirton*, Chandos-street, Covent-garden, grocer.—*Wm. Hegginbottom*, Ashton-under-Lyne, Lancashire, cotton-spinner.—*Wm. Davis Hart*, Ballingdon, Essex, tailor.—*John Brown*, Liverpool, broker.—*Edward Hopkins*, Egremont, Cumbria, coal dealer.—*G. Hewitt and G. Hewitt*, Manchester, woollen drapers.—*T. Bell, jun.*, Newcastle-upon-Tyne, cheese and bacon factor.

#### SCOTCH SEQUESTRATIONS.

*John Dunlop*, Glasgow, merchant.—*William Armstrong*, Penpont, Dumfriesshire, merchant.—*James Bowie and Company*, Glasgow, merchants.—*John Thomson*, Leith, corn merchant.—*Robert Brodie*, Kilbarchan, Renfrewshire, innkeeper.

#### DECLARATIONS OF INSOLVENCY.

*Richard Jameson*, Aston, Warwickshire, butcher.—*John Davies*, Cardiff, Glamorganshire, bookseller.—*James Denton*, Leeds, stone merchant.—*Samuel Sutcliffe*, Bradford, Yorkshire, wool comber.—*Joseph Richard Fosker*, Weymouth-mews, Weymouth-street, Portland-place, St. Mary-le-bone, bait and livery-stable-keeper.—*Joseph May*, Albany-road, Camberwell, Surrey, linen draper's assistant.—*Thomas Evans*, Crown-street, Soho, oil and colourman.—*Sarah Ellis*, Northumberland-terrace, Regent's-park-road, Middlesex, grocer.—*Henry Coles*, High-row, Knightsbridge, assistant to a nurseryman.—*John Donnelly*, Chapel-place, Long-lane, Barmosday, livery-stable keeper.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—*

*Court-house, SHEFFIELD, Yorkshire, Oct. 20 at 10.*

*John Mucklow*, Sheffield, file grinder.—*Benjamin Garside*, Sheffield, out of business.—*Hen. Taylor*, Sheffield, table-knife cutler.—*John Oates*, Sheffield, gardener.—*P. France*, Sheffield, beer-house keeper.—*S. Marshall, sen.*, Sheffield, pocket-knife manufacturer.—*Edw. Bramhall*, Sheffield, pen-blade grinder.—*Wm. Meggitt*, Sheffield, cordwainer.—*Rich. Brissen*, Sheffield, butcher.—*Jos. Green*, Rotherham, moulder.—*John Willey*, Sheffield, scissor forger.—*John Houdt*, Sheffield, carpenter.—*John Wrang*, Sheffield, traveller by commission.—*Wm. Cooper*, Sheffield, pocket-knife manufacturer.—*Wm. Pryor*, Sheffield, plumber.—*Wm. Cooke*, Sheffield, whitewash.—*John Masfield*, Sheffield, silver chaser.—*H. Nicholson*, Sheffield, knife cutler.—*John Wilkinson*, Sheffield, scissor smith.—*Hen. Turner*, Sheffield, scissor smith.—*Thomas Rowan*, Sheffield, fork grinder.—*Abraham Holmes*, Sheffield, coal miner.—*Jas. Boothroyd*, Sheffield, skate manufacturer.—*John Wright*, Sheffield, skate manufacturer.—*John Owen*, Sheffield, Britannia-metal smith.—*Jos. Fretwell*, Ecclesfield, near Sheffield, labourer.—*Edw. Belkirk*, Sheffield, engraver.—*John Vaughan*, Grimethorpe, near Sheffield, beer-house keeper.—*Jas. Ellis*, Sheffield, scissor manufacturer.—*George Cockayne*, Sheffield, beer-house keeper.—*Geo. Reaney*, Sheffield, engine tender.—*Edw. Loukes*, Sheffield, labourer.—*J. Green*, Sheffield, file maker.

*Court-house, DOVER, Kent, Oct. 23 at 10.*

*Wm. Newing*, Dover, retailer of beer.—*G. Carpenter*, Rye, Sussex, attorney at law.—*W. S. Mercer*, Margate, grocer.—*R. Pownell*, Ramsgate, carpenter.



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	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
20	0 19 1	1 5 6	1 11 11	1 18 4	2 4 9
30	1 6 6	1 14 7	2 2 8	2 10 9	2 18 10
40	1 13 5	2 5 7	2 17 9	3 9 11	4 2 1
50	2 16 3	3 10 10	4 5 5	5 0 0	5 14 7
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# The Jurist

No. 352.

LONDON, OCTOBER 7, 1843.

PRICE 1s.

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LONDON, OCTOBER 7, 1843.

We should undoubtedly be among the last to deny the importance of the law, or the extent of intelligence and industry, and multifarious as well as legal learning, which is requisite to form the accomplished lawyer; yet it cannot be denied that a portion, and that a not very trifling portion, of the lawyer's time and application is given, in actual business, to disquisitions scarcely more than verbal, and to bringing all the force of his learning and acutest reasoning, to take from language that meaning which is most popular and most consistent with common sense.

A man, for instance, whose business it is to build and to survey houses, who has spent his life in building houses, and thinks that he knows what a house is, would be somewhat surprised to find, that what he would call one house, the lawyers say is not one house, but two houses. He would find, that the quality of a house does not consist in its being, as he had imagined, a building destined for and used as a habitation, having an existence *quâ* building separate from any other,—but that, if a house were originally built as one house, and by a little contrivance in making or giving some common passage, opening some doors and blocking up others, it would contain two tenants, abiding by common consent from intruding on each other, it would cease to be a house, and become two houses.

Thus, in a case of liability to window tax, A. and B. dwelt in a building *formerly occupied as one house*, but afterwards divided by a passage which ran directly *quite through the middle of it*; there was only one door of entrance into the passage, where they had each a door, one to the right, the other to the left, into their dwellings, which were quite distinct, (that is to say, no doubt some door had been filled up, and its appearance obliterated); they had no sort of communication one

with another, having two pairs of stairs, &c., (see Per. & Kn. 209, and Elliott's Election Law, 150): the Commissioners of Taxes could not be convinced that a house ceased to be a house, because two people chose to use it by agreement as two places of dwelling; and held that it was still one house; but the judges thought otherwise, and reversed their decision. But where a granary formed an entire floor, having no internal communication with the rest of the building, and only to be entered by a ladder from the ground, that was held not a separate and distinct building. (1 Nev. & P. 445). On this construction of the words, it would be difficult to maintain that two adjacent houses in a London street are distinct and separate buildings; but, we apprehend, common persons, and particularly builders, would not quite understand, if a person spoke of "the building" on one side of any street, that he meant all the houses on that side. We need scarcely refer to the absurd distortion of language, which, for the purpose of burglary, treats the separate room of a lodger, in a house having but one outer door common to all the lodgers, as the *mansion-house* of the particular lodger. Were it called his *mansion*, there might be good reasons of philology for such an application of the term, absurdly grandiloquent as it might appear, a mansion being the place where a person stays or rests, from the old French word "manoir," to stay. And it may be true also, as resolved by the Cirencester committee, (2 Fra. 449, and Elliott, cited above, 147), that there may be a house composed of or containing but a single apartment. But a house is a distinct and substantive building; and to talk of that, which is *simply* a component part of the house as itself a house, is in point of language absolute nonsense.

Much of this species of denaturalisation of words has been inflicted also in election and rate law, on the words "occupier" and "occupation." If any one, not an election lawyer, were asked what he meant by occupy-

ing a house, he might not, perhaps, think it implied permanent residence; he might not, perhaps, think, that occupation depended on whether the occupier ate in the tenement occupied; but he would scarcely be prepared to understand, that occupation consisted in personally going away, and leaving on the premises not even a household servant, but only a shop assistant on a small part entirely parted from the rest. This, however, was the construction put on the word "occupier" in a case of rating, where a surgeon of militia was occasionally absent, together with his wife and daughter, from home, leaving only an assistant, who had the use of the shop, and the shop being entirely parted from the remainder of the house. It is true that the garden was taken care of by a person paid by the appellant, and his furniture continued in its usual situation in all the rooms for the family reception during the whole time, and the person with whom the key was left permitted a friend of the appellant and his servants to reside there for two months while the family was away. But these circumstances, though no doubt some evidence of an intention to return, and therefore of that occupation in the spirit which may be sufficient to satisfy a qualification act, or still more a fiscal act in which the levy of rates depends on the question, occupation or no occupation, are certainly not sufficient to remove the philological absurdity of calling him an occupier, who is not, by himself or by his family, at any moment present. If, in such a case, the appellant was the "occupier" of the premises, what were the parties who, by the permission of the trustee of his key, actually occupied? By his occupation, the premises must have been legally full; and those who were de facto eating, drinking, and sleeping therein, were of course not "occupying."

Some Parliamentary committees have, however, gone further; appearing, as Mr. Elliott expresses it, (p. 163), to have come to the conclusion, that, so long as the incidents of *tenancy* continue, and the party retains possession by keeping the *key of the room*, although no furniture or goods were left in it, still such person may vote; that is, that such person "occupies." The definition, therefore, of what constitutes in law "occupying" a house or a room, may be stated thus: shutting it up; never going near it; leaving no living or dead thing in it; *but* keeping the key. We need scarcely say, that, if such determinations are law, and we see no reason to doubt that they are, the meaning put by them on English words is anything and every thing but their plain, their natural, their common-sense English meaning; and therefore we end as we began, by saying, that, without seeking to multiply instances, a task of the most facile labour, a considerable portion of the practical application of a lawyer's talent and learning consists in attaching to words a purely artificial meaning, a meaning which does not appertain to them as portions of the vulgar tongue, and the introduction of which breeds nothing but confusion in the language. We confess, that, though personally not very democratic, we should rejoice to see the authority of the people more respected in matters of language. It is inconvenient that words should be understood in one way in "a popular sense," and in a way as nearly as possible the direct opposite in a legal sense; and we distrust the beneficial effect of that refinement of intellect which can shew, that, for the purpose of regulating some of the most valued and sacred rights of a people, its language is not to be understood in the way in which

it has itself chosen to understand it. There is, perhaps, no branch of law in which this legal tampering with the language has obtained more than in election law. Yet if there be any branch of law in which a strong effort should be made to construe words according to their popular every-day meaning, it is of all others that one which affects the political franchise. It is true that of late, at least, nearly all the philological distortions which have been perpetrated in election decisions, have been so perpetrated in the direction of extending the popular franchise, under some notion that the Reform Act is an act for multiplying votes. But without saying whether such a rule of construction is at all legally to be adopted, it may be observed, that decisions founded on it have a tendency directly the contrary of their intention; viz. a tendency to abridge rather than to extend political rights; because, in order to carry out in particular cases the supposed intention of the Reform Act, of multiplying the voters at elections, they, in effect, take from the very objects of that act the right to determine what is their own meaning by their own language.

### Reviews.

*The Book of Precedents of Examinations, Orders of Removal, and other Instruments in Parochial Settlement, with Proofs, Exemplifications, and Cautions.* By SAMUEL H. GAELE, Esq. [Charles Knight, 1843].

This is a very useful work. Its nature and object may be gathered from the title, and is more fully explained by the author in his preface. After alluding to the modern cases relative to examinations, with which most, if not all, of our readers must be familiar, he says,—

"The effect of these decisions is to make the examination before the justices the occasion on which the question of settlement or no settlement is to be determined, and to render it incumbent on those who have then to determine it, and their advisers, to ascertain in each case, as best they may, what the laws, so complex and difficult, have provided in that behalf. How best to convey the requisite information to their minds, is a problem not easy of solution. The statutes and cases by themselves would be cumbrous and unintelligible; and a system or collection of rules, deduced from them, would hardly be learned, and if were learned, would soon be forgotten. Forms and precedents," it has been elsewhere observed by the writer of these pages, (*Analogy of Legal Composition &c.*, pp. 148, 149), "are excellently adapted as a vehicle of instruction; for being necessarily had recourse to, when it is intended to carry the provisions of law into execution, the information which they afford or which may be appended to them, comes opportune; and such information their form or design (exhibiting, as it does, the law cast and acting in particular and appropriated characters) is calculated to imprint on the mind. In this book, an attempt is made to carry out, in regard to parochial settlement law, the above idea. The statutes and indications of the case in point are distributed under the precedents and clauses therein, in practically drawing from or applying which questions and doubts may arise, and a critical knowledge of the law becomes necessary to determine them; while, to aid the reader or learner to understand the subject, a chapter is prefixed in which a general and comprehensive view of the several heads or descriptions of settlement is given."

As the merit of a work of this kind must depend on its execution generally, it would be useless to extract isolated passages from it. Premising, therefore, that our examination has satisfied us of its practical utility, and the general accuracy of the forms, which, however experience only can fully test, we will rather mal

some remarks upon various points which have suggested themselves during our perusal of it.

Before the Poor Law Amendment Act, to warrant the removal of a pauper, it was by no means necessary that the evidence should be in all respects complete and conclusive of the settlement. If it were legal in its nature, and such as afforded a fair presumption of the party's settlement, it was sufficient, when uncontradicted. (Nolan, vol. 2, p. 181, 3rd ed.) And on an appeal against the order, fresh evidence might be adduced. But now a copy of the examination must be sent with the order; and it has been decided that it must shew by legal evidence a complete case of settlement. From this it seems to us to follow, that fresh evidence ought not to be received upon the trial of an appeal. We know that it is the practice to do so; and, perhaps, many of our readers will be surprised to find it questioned. We will, however, briefly consider the point. That the doctrine stated by Nolan, and which furnished a reason for receiving fresh evidence, is no longer law, is plain from the words of Lord Denman in *R. v. Lydeard St. Lawrence*, (11 Adol. & Ell. 626), who says, "It is argued that loose evidence may be received before the justices, and afterwards, on appeal, the defect be made good by proper evidence; but I think that, when the evidence taken before the removing justices is questioned, the objection to it, if valid, must prevail." In appeals against convictions, indeed, there is no doubt that fresh evidence may be produced. (Dickenson's Quarter Sessions, 5th ed. 877, note; Paley on Convictions, 3rd ed. 267). And in appeals against orders of removal, we admit that the same rule would prevail, except for the operation of the Poor Law Amendment Act. What was intended by requiring a copy of the examination to be sent? We apprehend, that the receiving parish might be informed of the evidence by which it was contended by the removing parish that the settlement was established, and might, upon inquiry concerning that evidence, ascertain and determine for themselves whether it was so. Appeals would thus be prevented; for the stronger the case was, on the face of the examination, the less probability would there be of an appeal. But supposing, what may now often happen, that an examination is sent, containing strict legal evidence, indeed, of a settlement, but by witnesses who, upon inquiry, are found to be undeserving of credit, or the evidence is such, that it is thought the court of quarter sessions will not draw the same conclusions from it as the removing justices have done. The receiving parish appeals, and on the trial finds, that, instead of having to meet only the evidence which they have deemed insufficient, fresh evidence is produced, of which they have had no notice, and which if they had known, they would never have appealed. This does not seem consistent, either with the purpose of the act in requiring a copy of the examination to be sent, or the decisions of the judges, requiring it to contain a complete case of settlement. The question may be shortly stated to be, whether it was intended that the receiving parish should be informed of the proof of the settlement, or only of the facts of it. The words of the proviso, that the respondent or appellant parish shall not give evidence of any other grounds of removal or appeal than are set forth in the examination or statement, are scarcely precise enough to afford much assistance, although we admit they seem to favour the opinion that fresh evidence may be given of the same facts. More might be said upon the point, but our space forbids it; we have thought it worth while to suggest it, and should be glad to have it further discussed. To proceed, then, to the next passage we have marked, and we may notice in passing, that the form at p. 30 of a general hiring and service does not sufficiently state that the pauper was without children. "He was a bachelor when he came into my service,"

cannot, after *R. v. Wymondham*, (12 Law Journ., M. C. 74, 2 Q. B. 541), be sufficient. In another part of the volume, the condition of the servant is properly stated.

At p. 55, there is an instance of conflicting decisions too curious not to be noticed. In a settlement by renting a tenement, it is required by the 59 Geo. 3, c. 50, that the tenement shall consist of a house or building, being a separate and distinct dwelling-house or building, or of land or of both. The following are cases upon the meaning of *separate* and *distinct*, the first as applied to a dwelling-house, the latter two as applied to a building, and they can be reconciled only by supposing that a dwelling-house may be *separate* and *distinct* in a different sense from that in which a building may be; but how it may be is not explained:—

#### "DWELLING-HOUSE.

'In 1829 and 1830, the party sought to be settled rented the middle one of three floors of a house so divided, each of which floors was let to a separate tenant, and each tenant had a separate external entrance; but, to go to one of his rooms, the party had to cross the passage of the upper floor, and, for access to that room, he had also a right to use the upper floor entrance. Littleale, J.—'The three floors were distinct tenements; the right of access to the little room does not alter the case.' Patteson, J.—'Separate and distinct, in this statute, means separate and distinct as to any other person; that the tenant should not hold part of a house. Here the tenant held the whole, for the house was the floor.' (*R. v. Great and Little Unsworth*, 5 Adol. & Ell. 261; 1 Lumley Cas. 252, anno 1836; *R. v. Rickinghall* was not cited)."

#### "BUILDING.

'In 1828, the party sought to be settled rented a shop, part of a dwelling-house, and communicating by an internal door, (locked on occupation being taken), but having a separate external entrance:—Held, not to be sufficient. (*R. v. Rickinghall Superior*, 1 Nev. & M. 47). In 1821, the party sought to be settled rented a granary, forming the entire upper floor of a detached outbuilding, and having no communication with the rest of the building, but entered by a ladder from the ground. Contended, by the counsel against the settlement, that these were not distinct buildings, and that if the court once held that the renting of an upper floor is sufficient, the statute will be evaded. Lord Denman, C. J.—'We agree with you, that is the reasonable construction of the act.' (*R. v. Henley*, 6 Adol. & Ell. 294; 1 Lumley Cas. 251, anno 1837. In this case *R. v. Unsworth* was not cited)."

We have marked some other passages for observation, and shall, probably in an early number, resume our notice of the work. At present we must conclude with recommending it to our readers. To clerks to magistrates it will be found exceedingly useful, and indeed to all of the profession who have to deal with orders of removal and appeals therefrom; but we advise, and we are sure the author will not think we are disparaging his performance by doing so, against too much reliance being placed on the forms, which, as they are many of them necessarily new, can hardly be expected to be free from errors.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: Herbert George Goldingham, of Worcester. *Scotland*: John Tennent, of Glasgow; George Salmond, of Glasgow, Procurator Fiscal of the county of Lanark; James Russell, of Edinburgh, one of the Clerks of the Signet; John Robert Tod, of Edinburgh; William Fraser, of Edinburgh; Daniel Paul, of Glasgow. *Ireland*: George Connor, of Dublin.

**Court Papers.****EQUITY SITTINGS, MICH. TERM, 1843.****Court of Chancery.***Before the LORD CHANCELLOR, at Westminster.*

Thursday.... Nov. 2	Appeal Motions.
Friday..... 3	Petition Day.
Saturday..... 4	} Appeals.
Monday..... 6	
Tuesday..... 7	
Wednesday.... 8	
Thursday..... 9	Appeal Motions.
Friday..... 10	} Appeals.
Saturday..... 11	
Monday..... 13	
Tuesday..... 14	
Wednesday.... 15	} Appeal Motions.
Thursday..... 16	
Friday..... 17	
Saturday..... 18	
Monday..... 20	} Appeals.
Tuesday..... 21	
Wednesday.... 22	
Thursday..... 23	
Friday..... 24	} Appeal Motions.
Saturday..... 25	

**Rolls Court.***Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Thursday.... Nov. 2	Motions.
Friday..... 3	Petitions in General Paper.
Saturday..... 4	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday..... 6	
Tuesday..... 7	
Wednesday.... 8	
Thursday..... 9	Motions.
Friday..... 10	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday..... 11	
Monday..... 13	
Tuesday..... 14	
Wednesday.... 15	} Motions.
Thursday..... 16	
Friday..... 17	
Saturday..... 18	
Monday..... 20	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Tuesday..... 21	
Wednesday.... 22	
Thursday..... 23	
Friday..... 24	Petitions in General Paper.
Saturday..... 25	Motions.

*At the Rolls.*

Monday..... 27	Short Causes after swearing in the Solicitors.
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Short Causes, Consent Causes, and Consent Petitions, every Tuesday, at the Sitting of the Court.

**Vice-Chancellors' Courts.***Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.*

Thursday.... Nov. 2	Motions.
Friday..... 3	(Petition-day).—Unopposed Petitions and Short Causes, previous to the General List of Petitions.
Saturday..... 4	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... 6	
Tuesday..... 7	
Wednesday.... 8	
Thursday..... 9	Motions.
Friday..... 10	Unopposed Petitions, Short Causes, and General Paper.
Saturday..... 11	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... 13	
Tuesday..... 14	
Wednesday.... 15	
Thursday..... 16	Motions.
Friday..... 17	Unopposed Petitions, Short Causes, and General Paper.

Saturday..... 18	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... 20	
Tuesday..... 21	
Wednesday.... 22	
Thursday..... 23	} Unopposed Petitions, Short Causes, and Ditto.
Friday..... 24	
Saturday..... 25	

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn*

Tuesday.... Oct. 31	} Bankrupt Petitions and Motions in Bankruptcy.
Wednesday.. Nov. 1	

*At Westminster.*

Thursday.... Nov. 2	Motions and Causes.
Friday..... 3	(Petition Day).—Petitions and Causes.
Saturday..... 4	} Unopposed Petitions, Short Causes, and Causes.
Monday..... 6	
Tuesday..... 7	} Bankrupt Petitions and Motions in Bankruptcy.
Wednesday.... 8	
Thursday..... 9	Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday..... 10	} Bankrupt Petitions and Motions in Bankruptcy.
Saturday..... 11	
Monday..... 13	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 14	
Wednesday.... 15	} Bankrupt Petitions and Motions in Bankruptcy.
Thursday..... 16	
Friday..... 17	} Motions and Causes.
Saturday..... 18	
Monday..... 20	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday..... 21	
Wednesday.... 22	} Unopposed Petitions, Short Causes, and Ditto.
Thursday..... 23	
Friday..... 24	} Bankrupt Petitions and Motions in Bankruptcy.
Saturday..... 25	

*Before VICE-CHANCELLOR WIGRAM, at Westminster.*

Thursday.... Nov. 2	Motions and Causes.
Friday..... 3	(Petition Day).—Petitions and Causes.
Saturday..... 4	} Unopposed Petitions, Short Causes, and Causes.
Monday..... 6	
Tuesday..... 7	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday.... 8	
Thursday..... 9	} Motions and Ditto.
Friday..... 10	
Saturday..... 11	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday..... 13	
Tuesday..... 14	} Unopposed Petitions, Short Causes, and Ditto.
Wednesday.... 15	
Thursday..... 16	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday..... 17	
Saturday..... 18	} Unopposed Petitions, Short Causes, and Ditto.
Monday..... 20	
Tuesday..... 21	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday.... 22	
Thursday..... 23	} Unopposed Petitions, Short Causes, and Motions.
Friday..... 24	
Saturday..... 25	

## London Gazetteers.

TUESDAY, OCTOBER 3.  
BANKRUPTS.

**WILLIAM WOODWARD**, Ravenscroft-park, Hammer-smith, builder, Oct. 18 at half-past 2, and Nov. 16 at half-past 12, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Bird, 5, New-inn, Strand, and Hammersmith.—Fiat dated Sept. 22.

**THOMAS BENNETT**, New City-chambers, Bishopsgate-street Within, London, timber merchant, Oct. 17 at 10, and Nov. 17 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Newbon & Evans, Wardrobe-place, Doctors'-commons.—Fiat dated Sept. 18.

**CHARLES BOURJOT and WILLIAM ESPIVENT DE LA VELLEBOISNET**, Coleman-st.-buildings, London, merchants, Oct. 12 at 11, and Nov. 17 at 12, Court of Bankruptcy, London: Off. Ass. Gibson; Sol. Taylor, 11, Furnival's-inn.—Fiat dated Sept. 19.

**GEORGE BRINSMEAD**, Bideford, Devonshire, retailer of flour and ship owner, Oct. 14 at 1, and Nov. 16 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hertzog; Sols. Turner, Exeter; Hawkins & Co., 2, New Boswell-court, London.—Fiat dated Sept. 18.

**JOHN SYKES**, Mill-bridge, Birstall, Yorkshire, corn miller, Oct. 14 and Nov. 2 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Dunning & Stawman, Leeds.—Fiat dated Sept. 26.

**OWEN JONES**, Liverpool, draper and hosier, Oct. 13 at half-past 1, and Nov. 14 at 1, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Sale & Worthington, Manchester; Baxter & Co., Lincoln's-inn.—Fiat dated Sept. 26.

**JAMES SOUTHERN**, Birmingham, grocer, Oct. 17 at 12, and Nov. 13 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Morecroft & Son, Liverpool; Harrison, Birmingham; Chester & Toulmin, Staple-inn.—Fiat dated Sept. 25.

**WILLIAM HAVELOCK**, South Shields, Durham, corver, Oct. 11 and Nov. 23 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Wilson, South Shields; Hodgson, 32, Broad-street-buildings, London.—Fiat dated Sept. 21.

**WILLIAM HUGHES**, Plascoch, Tallylyn, Merionethshire, slate merchant, Oct. 16 at half-past 12, and Nov. 14 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Caze-nove; Sols. Atkinson, Liverpool; Davies, Machynlleth, Montgomeryshire; Price & Bolton, 1, New-square, Lincoln's-inn.—Fiat dated Sept. 22.

## MEETINGS.

*James Grant Smith*, Bath, common brewer, Nov. 3 at 12, District Court of Bankruptcy, Bristol, pr. d.—*Spencer Rogers*, Dale-hall, near Burslem, Staffordshire, earthenware manufacturer, Oct. 14 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*Henry Jones*, Canterbury, victualler, Oct. 13 at half-past 2, Court of Bankruptcy, London, last ex.—*Geo. T. Whittington*, Great St. Helens, London, merchant, Oct. 12 at 12, Court of Bankruptcy, London, last ex.—*Jas. Sell*, Union-street, Southwark, Surrey, baker, Oct. 12 at half-past 10, Court of Bankruptcy, London, last ex.—*Wm. Blanks*, Rochford, Essex, draper, Oct. 6 at 11, Court of Bankruptcy, London, last ex.—*John Harford and W. W. Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, Oct. 31 at 12, District Court of Bankruptcy, Bristol, last ex.—*James Cockburn*, New Broad-street, London, merchant, Oct. 26 at half-past 1, Court of Bankruptcy, London, aud. ac.; Oct. 27 at 11, div.—*Wm. Ward*, Blackfriars-road, Surrey, draper, Oct. 24 at 11, Court of Bankruptcy, London, aud. ac.; Oct. 25 at 11, div.—*Robert Slimmon*, Victoria-place, Hoxton Old-town, linen draper, Oct. 25 at 11, Court of Bankruptcy, London, aud. ac.—*J. P. Davies*, Davies-street, Berkeley-square, apothecary, Nov. 7 at 2, Court of Bankruptcy, London, aud. ac.—*G. Simons*, King's-sq., St. Luke's, watch manufacturer, Nov. 7 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Lavender Gray*, Jermyn-street, St. James's, Westminster, tailor, Nov. 10 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Starling*, Southampton, hatter, Nov. 17 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Idbe Wm. Hodges Brown*, Little Bowden, Northampton, dealer in

horses, Nov. 10 at 12, Court of Bankruptcy, London, aud. ac.—*James B. Cooper*, Drury-lane, iron-founder, Nov. 10 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Mat. Atkinson*, Temple Sowerby, Westmorland, and *Jonathan Laidman*, sen., Penrith, Cumberland, bankers, Oct. 24 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Oct. 25 at 11, pr. d.; Oct. 26 at 1, fin. div. joint est.; Oct. 24 at 12, aud. ac.; Oct. 25 at 1, and Oct. 26 at 11, pr. d.; Oct. 26 at 2 and half-past 2, fin. div. sep. est. *M. Atkinson*; Oct. 24 at 1, aud. ac.; Oct. 25 at 2, pr. d.; Oct. 26 at 3, fin. div. sep. est. *Jonathan Laidman*.—*Daniel W. Acraman*, *Wm. Ed. Acraman*, *Alfred John Acraman*, *Wm. Morgan*, *Thos. Holroyd*, and *Jas. N. Franklyn*, Bristol, ship builders, Nov. 1 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Thos. Humble*, Ardwick, Manchester, grocer, Oct. 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 31 at 12, div.—*Joseph Higginbottom*, Ashton-under-Lyne, Lancashire, money scrivener, Oct. 27 at 11, District Court of Bankruptcy, Manchester, aud. ac.—*John Bancroft*, Salford, Lancashire, grocer, Oct. 26 at 1, District Court of Bankruptcy, Manchester, aud. ac.—*Anne Cascardella*, Manchester, merchant, Oct. 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Oct. 27 at 12, div.—*Jas. Ashwell*, Salford, Lancashire, grocer, Oct. 27 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Joseph Jones*, Stafford, bookseller, Nov. 1 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 2 at 1, div.—*Thos. Radcliffe*, Birmingham, stationer, Nov. 1 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thos. Wright*, Edinburgh, and *Richard Burgess and Ralph Taylor*, Tunstall, Staffordshire, earthenware manufacturers, Nov. 1 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 2 at half-past 12, div.—*Ed. Hare*, Corby, Lincolnshire, liquor merchant, Nov. 1 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 2 at half-past 11, div.—*Charles Thompson*, St. Andrew's-road, Horsemonger-lane, Newington, Surrey, builder, Oct. 24 at half-past 11, Court of Bankruptcy, London, div.—*Peter P. Thoms*, Warwick-square, London, printer, Oct. 24 at 12, Court of Bankruptcy, London, div.—*John W. Horend*, Paradise-st., Lambeth, Surrey, builder, Oct. 24 at half-past 12, Court of Bankruptcy, London, div.—*John A. Stirton*, Chandos-st., Covent-garden, grocer, Oct. 24 at 1, Court of Bankruptcy, London, div.—*Thos. P. Chalk*, Linton, Cambridgeshire, draper, Oct. 24 at half-past 10, Court of Bankruptcy, London, div.—*Charles Gilby*, Greenwich, Kent, wine merchant, Oct. 24 at 2, Court of Bankruptcy, London, div.—*Geo. Chapman*, Aylesbury, Buckinghamshire, grocer, Oct. 24 at half-past 1, Court of Bankruptcy, London, div.—*Geo. Sadler*, Cheltenham, Gloucestershire, linen draper, Nov. 2 at 12, District Court of Bankruptcy, Bristol, div.—*Benjamin James and J. Morris James*, Manchester, Lancashire, and Swansea, Glamorganshire, tanners, Oct. 30 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Charles Henry Griffiths*, Enfield, Middlesex, draper, Oct. 26 at half-past 12, Court of Bankruptcy, London.—*George Walter*, Oundle, Northamptonshire, grocer, Oct. 26 at half-past 11, Court of Bankruptcy, London.—*William Jeffcoat*, East Harding-st., London, bookbinder, Oct. 26 at 11, Court of Bankruptcy, London.—*John Baylis*, jun., and *James Baylis*, Gutter-lane, Cheapside, London, crape manufacturers, Oct. 26 at 2, Court of Bankruptcy, London.—*Henry Walton*, jun., Crowland, Lincolnshire, wheelwright, Oct. 26 at 11, Court of Bankruptcy, London.—*Alfred Harris*, Chichester, Sussex, hotel keeper, Oct. 26 at 12, Court of Bankruptcy, London.—*James Binion Cooper*, Drury-lane, ironfounder, Nov. 10 at half-past 12, Court of Bankruptcy, London.—*Nathaniel Bromley*, Little Bentley, Essex, maltster, Nov. 7 at 11, Court of Bankruptcy, London.—*Richard Almond*, Orrell, Lancashire, coal dealer, Oct. 25 at 12, District Court of Bankruptcy, Liverpool.—*Mary May*, J. Law, and *Rob. Law*, Rochdale, Lancashire, flannel manufacturers, Oct. 27 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 24.

*Jackson Barwise*, Pall-mall, house decorator.—*Edw. Top-ham*, Manchester, woollen merchant.—*John Whitaker*, Newchurch, Forest of Rossendale, Whalley, Lancashire, woollen

manufacturer.—*J. Bolton Robinson* and *Wm. Robinson*, Macclesfield, Cheshire, ironmongers.—*Chas. States*, Southampton, hotel keeper.—*Thos. Smith*, Newcastle-upon-Tyne, grocer.—*John Higge*, Watling-street, London, cheese factor.—*Wm. J. Rooms*, Sheffield, steel merchant.—*Samuel Nepper*, Upper Stamford-street, Blackfriars, Surrey, general dealer.—*John D. Stewart*, Skinner-street, Bishopsgate, London, brewer.—*Jas. Farren*, Nine Elms, corn dealer.

## FIAT ANNULLED.

*John Hartley*, Height, within the Forest of Pendle, Lancashire, shopkeeper.

## DECLARATIONS OF INSOLVENCY.

*Benjamin Baylis Bradley*, Cheltenham, Gloucestershire, straw-bonnet manufacturer.

*Edward Brasington*, Stafford, out of business.

*John Parker*, Worcester, dealer in tobacco.

*Samuel Driver*, Pudsey Par Town, Calverley, Yorkshire, cloth manufacturer.

*John Sowerby Morley*, Keighley, Yorkshire, gardener.

*Thomas Poole*, Dorrington-street, Mount-pleasant, Clerkenwell, musical-instrument maker.

*John Arnold Prothero*, Bridgend, Glamorganshire, draper.

*William Charles Davis*, Curator-st., Holborn, house painter.

*George Aston*, sen., Lion-passage, Holborn, butcher.

*Francis Hawksbee*, Camden-street, Islington, out of business.

*Robert Levick*, King-street, Cheapside, London, and Bedford-terrace, Upper Holloway, Islington, lace joiner.

## INSOLVENT DEBTORS.

Saturday, Sept. 30.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*James Hudson*, Addington-square, Camberwell, Surrey, out of business, No. 54,269 T.; *William James Hudson*, assignee.

*George Boyd*, Thistle-grove, Little Chelsea, Middlesex, out of business, No. 54,143 T.; *Thomas Edwards*, assignee.—*J. Lucas*, Trowbridge, Wiltshire, livery-stable keeper, No. 63,551 C.; *William Hancock*, assignee.—*John Waite Colingwood*, Bishopsgate-street Without, London, grocer, No. 53,996 T.; *George Wild*, assignee.

Court-house, WAKEFIELD, Yorkshire, Oct. 23 at 10.

*Matthew Lucas*, Hunslet, near Leeds, flax dresser.—*John Stirk*, Pannal, near Knaresborough, farm servant.—*Edmund Fenton*, Chapel-fold, near Dewsbury, dealer in wool.—*Joseph Greenwood*, Hunslet, near Leeds, flax dresser.—*R. Edmundson*, sen., Bottoms, Stansfield, Halifax, innkeeper.—*J. Drummond*, Halifax, pattern designer.—*Jos. Carr*, Horsforth, near Leeds, labourer.—*J. Longbottom*, Higginchamber, Sowerby, near Halifax, out of business.—*Wm. Lee*, Bilton-with-Harrogate, Knaresborough, farmer's labourer.—*Wm. Hough*, Doncaster, publican.—*Rich. Moat*, Woodhouse-ridge, near Leeds, market gardener.—*John Priestley*, Leeds, shopkeeper.—*Robert Cross*, Leeds, out of business.—*Hannah Allen*, Leeds, sempstress.—*Ann Barber*, Caplton, near Pontefract, widow, out of business.—*Geo. Wadsworth*, Sowerby-bridge, near Halifax, card maker.—*John Braithwaite*, Baslingthorpe-lane, near Leeds, shopkeeper.

Oct. 24, at the same hour and place.

*John Bell*, Eastholt, near Otley, worsted manufacturer.—*J. Womersley*, Leeds, publican.—*Jas. Appleyard*, Leeds, corn factor.—*R. Owen*, Selby, mariner.—*Benj. Whalley*, Yeadon, Leeds, clothier.—*Robert Preston*, Long Preston, near Settle, labourer.—*Jerem. Jackson*, Todmorden, near Halifax, cotton machine maker.—*Jos. Denison*, Yeadon, Leeds, out of business.—*Thomas B. Beaumont*, Keighley, out of business.—*E. Briggs*, Shelf, near Bradford, out of business.—*Jos. Atkinson*, Farley, near Leeds, out of business.—*Sam. Gilloft*, Sheffield, out of business.—*Wm. Gregson*, Lower Wortley, clothier.—*David S. Bird*, Leeds, surgeon.—*David Tidswell*, Tong, near Birstall, near Bradford, farmer.

Oct. 25, at the same hour and place.

*John Cragg*, High-road-wall, near Halifax, superintendent to the Halifax Board of Guardians.—*J. H. Fleetham*, Ripon, druggist.—*Samuel Nicholls*, Morton, near Bingley, worsted spinner.—*George Johnson*, Kirkgate, Leeds, herring dealer.—*Thomas Lindley*, Sheffield, beer seller.—*John Eastwood*, Netherthong, near Huddersfield, butcher.—*John Richardson*, Leeds, share broker.—*Jos. Cromack*, Leeds, butcher.—*Sam.*

*Pearson*, Sheffield, joiner.—*John Prince Heslton*, Westgate, Wakefield, clerk to the Registrar for the west riding of York.—*John Fox*, Pontefract, hat maker.—*Thos. Robinson*, Newton-hall, near Ripley, surgeon.—*Benj. Whittell*, Stainford, near Huddersfield, cloth manufacturer.—*Matthew Rose*, Manchester, guard to the Leeds and Manchester Railway Company.—*William W. Milnes*, Lockwood, near Huddersfield, flour dealer.—*Sam. Roper*, Huddersfield, hatter.—*John Howells*, Doncaster, tea dealer.

Oct. 26, at the same hour and place.

*Matt. Craven*, Armley, near Leeds, clothier.—*J. Horfall*, Heckmondwike, out of business.—*Thos. Walker*, Park-lodge, near Wakefield, out of business.—*Mary Sharp*, Rotherham, dealer in groceries.—*Wm. Smithson*, Cordingley, Leeds, commercial traveller.—*Joseph Jessop*, Lepton, near Huddersfield, weaver.—*Wm. Bedford*, Hillam, near Ferry-bridge, pig dealer.—*Alex. Crawford*, Holbeck, near Leeds, commission agent.—*Den. Hanson*, Bramley, publican.—*Fran. Dawson*, Bradford, grocer.—*Wm. Spencer*, Addingham, druggist.—*Th. Leeming*, Leeds, out of business.—*Wm. Greenwood*, Bradford, druggist.—*Wm. McKensie*, Huddersfield, fancy cloth manufacturer.

Court-house, SWANSEA, Glamorganshire, Oct. 26 at 10.

*John Powell*, Swansea, labourer.

Court-house, IPSWICH, Suffolk, Oct. 26 at 10.

*Edw. Sawyer*, Melton, baker.—*Geo. Gillingham*, Ipswich, out of business.—*Sarah Bushell*, Higham, Norfolk, out of business.—*Rob. Scarce*, Leiston, near Saxmundham, tailor.—*Wm. Butler*, Lowestoft, master of the sloop Sarah.—*John Lee*, Barnaby, near Beccles, farming labourer.—*John Scarf*, Walton-on-the-Naze, Essex, common carrier.—*W. Parman*, St. Nicholas, Ipswich, schoolmaster.—*Zach. Ottywill*, Ipswich, coach maker.—*Jas. Spurling*, Brundish, near Framlingham, innkeeper.—*Thos. Ship*, Woodbridge, out of business.—*George D. Hawkins*, Southtown, lieutenant on half-pay.—*Wm. Seammens*, Melton, pig jobber.—*Jas. Smyth*, Ipswich, whitesmith.

Court-house, CANTERBURY, (City), Oct. 25 at 10.

*Charlotte Chapman*, St. Alphege, Canterbury, baker.—*S. Pollard*, Whitstable, watch maker.

Court-house, HAVERFORDWEST, Pembrokeshire, Oct. 24 at 10.

*Joseph M. Jenkins*, Haverfordwest, builder.

Court-house, CHELMSFORD, Essex, Oct. 24 at 10.

*Thos. Pearson*, Hatfield Peverel, railway contractor.—*Edw. Choat*, Ridgewell, cordwainer.—*Thos. Houlden*, Earl's Colne, horse dealer.—*Eliz. Warren*, Dagenham, retailer of beer.—*Sophia Fletcher*, widow, Stanstead.—*John U. D. Johnson*, Great Dunmow, architect.

## MEETINGS.

*John McKellar*, dec., Judd-place East, St. Pancras, Oct. 20 at 12, Walthew's, 5, Farnival's-inn, Holborn, sp. aff.—*J. U. D. Johnson*, Waltham Abbey, Essex, architect, Oct. 19 at 12, Taylor's, North-buildings, Finsbury-circus, London, sp. aff.

## FRIDAY, OCTOBER 6.

## BANKRUPTS.

**JOHN BROOKER**, Southampton-row, Bloomsbury, Middlesex, carver and gilder, Oct. 20 at 10, and Nov. 21 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. May, 14, Queen-square.—Fiat dated Oct. 3.

**PETER AUSTIN NUTTALL**, Edward-terrace, Chalk-rd., Islington, newspaper vender and publisher, Oct. 17 at half-past 11, and Nov. 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Wright, Lyon's-inn.—Fiat dated Oct. 2.

**JAMES BEDFORD**, Melina-place, Westminster-road, Lambeth, Surrey, iron merchant, Oct. 17 and Nov. 15 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Tucker, Bow-chambers, Threadneedle-street.—Fiat dated Oct. 3.

**JOSEPH HARVEY**, St. Mary Axe, London, builder, Oct. 12 at 12, and Nov. 17 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Newbon & Evans, Doctor's-commons.—Fiat dated Oct. 2.

**GEORGE KEELING**, Manchester, brewer and retailer of beer, Oct. 26 at 1, and Nov. 9 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sol. Grundy, Manchester and Bury.—Fiat dated Sept. 26.

**SAMUEL GOULD**, Liverpool, merchant and commission agent, Oct. 16 and Nov. 17 at 11, District Court of Bankruptcy, Liverpool; Off. Ass. Follett; Sols. Rogerson & Radcliffe, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Oct. 2.

**EDWARD KENYON BULLMAN**, Leeds, Yorkshire, cabinet maker and upholsterer, Oct. 17 and Nov. 7 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Sykes, Leeds; Watson, Worship-street, Finsbury.—Fiat dated Oct. 2.

#### MEETINGS.

*John Potter and Wm. Maude*, Darwen, Blackburn, Lancashire, calico printers, Oct. 17 at 12, District Court of Bankruptcy, Manchester, ch. ass.—*J. Wooliam*, St. Alban's, Hertfordshire, silk throwster, Oct. 29 at 12, Court of Bankruptcy, London, last ex.—*Chas. Beck*, jun., Leadenhall-street, London, ship and insurance broker, Oct. 19 at 12, Court of Bankruptcy, London, last ex.—*J. Page*, Weedon Beck, Northamptonshire, carpenter, Oct. 19 at 2, Court of Bankruptcy, London, last ex.—*John Knight*, Preston and Lancaster, mercer, Oct. 9 at 10, District Court of Bankruptcy, Manchester, last ex.—*John Eyre Pearson*, Sheffield, wine merchant, Oct. 31 at 1, District Court of Bankruptcy, Leeds, and. ac.; Nov. 7 at 4, div.—*Robt. Campion and John Campion*, Whitby, Yorkshire, bankers, Nov. 7 at 11, District Court of Bankruptcy, Leeds, and. ac.; Nov. 9 at 11 div.—*Robt. Watson*, York, silk mercer, Oct. 30 at 11, District Court of Bankruptcy, Leeds, and. ac.; Nov. 1 at 11, div.—*Geo. Fisher*, Bradford, Yorkshire, linen draper, Oct. 30 at 11, District Court of Bankruptcy, Leeds, and. ac.; Nov. 1 at 11, div.—*Geo. Thompson*, South Shields, Durham, victualler, Oct. 30 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.—*Augustus William Hillary*, Ewanrigg-hall, Cumberland, iron founder, Oct. 30 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Oct. 31 at 11, fin. div.—*Kenneth McLeod and John Boyle Wood*, Liverpool, ship chandlers, Oct. 31 at 11, District Court of Bankruptcy, Liverpool, and. ac.—*Thos. Slaggy*, Manchester, merchant, Nov. 14 at 12, District Court of Bankruptcy, Manchester, and. ac.—*Geo. Sadler*, Cheltenham, Gloucestershire, linen draper, Nov. 2 at 11, District Court of Bankruptcy, Bristol, fin. div.—*John Brown and Thomas B. Powell*, Stubbins, within Tottington, Lancashire, calico printers, Oct. 31 at 1, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*James William Slatter*, Oxford, shoemaker, Oct. 27 at half-past 12, Court of Bankruptcy, London.—*Geo. Salter*, Davies-st., Middlesex, builder, Oct. 27 at half-past 11, Court of Bankruptcy, London.—*Thomas Fortune*, King's-cross, Battle-bridge, cabinet manufacturer, Oct. 27 at 12, Court of Bankruptcy, London.—*Wm. Pullen*, Great Western Hotel, St. George, Gloucestershire, brewer, Nov. 9 at 11, District Court of Bankruptcy, Bristol.—*Samuel F. Parsons*, Pontardawe, Llangrŷck, Glamorganshire, iron founder, Nov. 2 at 1, District Court of Bankruptcy, Bristol.—*Wm. Reynolds and John T. Fairbank*, Oct. 28 at 11, District Court of Bankruptcy, Leeds.—*George Heathcote*, Sheffield, spring knife manufacturer, Oct. 28 at 11, District Court of Bankruptcy, Leeds.—*Thomas Parry*, Mold, Flintshire, draper, Oct. 31 at half-past 12, District Court of Bankruptcy, Liverpool.—*Thomas Bull*, Blythe-marsh, Dilhorn, Staffordshire, farmer, Oct. 28 at half-past 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Oct. 27.

*James Webber*, Wood-st., Cheapside, warehouseman.—*Jas. Watts*, Holborn, Middlesex, licensed victualler.—*Wm. Henderson*, Netham-works, Moorfields, Gloucestershire, chemist.—*Archibald Thomson*, Leadenhall-street, London, merchant.—*J. Bowie*, Shoe-lane, London, grocer.—*D. Bolton*, Kingston-upon-Hull, corn merchant.—*Robt. Croasbie*, Sutton, Cheshire, tea dealer.—*John L. Dobson*, Kidderminster, Worcestershire, carpet manufacturer.—*Joe. Gallop*, jun., Bedminster, Bristol, painter.—*W. Aslett*, Bitterne, South Stoneham, Southampton, grocer.—*Chas. Maidlow*, Finchley, Middlesex, builder.—*C. Beasley*, Birmingham, draper.—*Charles Cooper and Thomas Cooper*, Strood, Kent, feltmongers.—*Joe. Butt and Edward Butt*, Mortimer-st., Cavendish-square, linen drapers.—*John Oram*, Chard, Somersetshire, lace manufacturer.

#### PARTNERSHIP DISSOLVED.

*William Barker and Thomas England*, Huddersfield, Yorkshire, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*James Hendry and James Crombie*, Leith, merchants.—*J. Ross*, Milncraig, Ross-shire, miller.—*E. B. Lockyer*, Edinburgh, horse dealer.—*James Hardy*, Edinburgh, ale and porter merchant.—*Alexander Brown*, Greenock, hairdresser.

#### DECLARATIONS OF INSOLVENCY.

*Wm. Harker*, St. Maurice, Yorkshire, out of business.  
*John Webster*, Blackburn, Lancashire, builder.  
*John Massey*, Hough, Wilsalaw, Cheshire, farmer.  
*Joseph Lane*, South Shields, Durham, excise officer.  
*Thomas Cook*, St. Alban's, Hertfordshire, blacksmith.  
*Wm. John Cumming*, Matlock-bath, Matlock, Derbyshire, surgeon.  
*Thomas Stigger*, Kingsdown, Kent, blacksmith.  
*Wm. Starters*, Hatton-wall, Hatton-garden, Holborn, carpenter.  
*Wm. Smith*, Lewisham-road, Greenwich, Kent, butcher.  
*George Mitchell*, Manchester-buildings, Westminster, clerk in the Parliament Office of the House of Lords.  
*Richard Stockbridge*, Pickering-place, Paddington, builder.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before a Commissioner on Circuit:—

*Court-house, WAKEFIELD, Yorkshire, Oct. 27 at 10.*  
*Thomas Hanney*, Halifax, publican.—*Michael Heigh*, Golcar, near Huddersfield, cloth manufacturer.—*Daniel Heigh*, Huddersfield, cloth manufacturer.—*James Batty*, Bradford, out of business.—*David Dalby*, Brumham, near Tadcaster, pig jobber.—*Rich. Bows*, Hunslet, near Leeds, cattle jobber.—*Joseph Firth*, Dewsbury, spinner.—*Joseph L. Kirk*, Leeds, out of business.—*Robt. Garnett*, Leeds, shoemaker.—*W. H. Woodhouse*, Sheffield, table-knife manufacturer.—*John Megson*, Oseott, near Wakefield, cloth manufacturer.—*Samuel Suddards*, Bradford, out of business.—*James Cromack*, Pudsey, near Leeds, clothier.—*Joseph Crow*, Crosland-moor-bottom, near Huddersfield, beer-seller.—*Wm. Theaker*, Huddersfield, grocer.

Oct. 28, at the same hour and place.

*John Noble*, Huddersfield, tailor.—*James Maron*, Wakefield, painter.—*H. Snowball*, Southorpe, Driffild, house-keeper.—*Joseph Crossley*, Halifax, painter.—*Eliza Snowball*, Leeds, confectioner.—*Stephen Wilson*, Kirby and Malham, near Skipton, publican.—*John Senior*, Staincliffe, Batley, out of business.—*Joseph Lums*, Birkby, near Huddersfield, farmer.—*Frances Whiteley*, Bradford, out of business.

*Court-house, YARMOUTH, Norfolk, Oct. 28 at 10.*

*Wm. Black*, Yarmouth, rope maker.—*Wm. Mann*, jun., Great Yarmouth, shipwright.—*Luke Stanford*, Yarmouth, publican.—*Wm. Bond*, Yarmouth, butcher.

*Court-house, NORWICH, Norfolk, Oct. 30 at 10.*

*Robt. Blyth*, Elsing, farmer.—*George Parker*, Great Yarmouth, out of business.—*Wm. Berthingham*, sen., Thetford, out of business.—*Job Hastings*, St. Clement's, Norwich, pump maker.—*Steph. Walker*, jun., Gaywood, miller.—*Benjamin Beeson*, West Winch, wheelwright.—*Wm. Rusak*, jun., Beeston, next Mileham, cattle dealer.—*Th. Warters*, Freethorpe, carpenter.—*Chris. Hatch*, Taverham, paper maker's clerk.—*Pet. H. Rix*, Norwich, shoe maker.—*John David Walpole*, Mattishall, grocer.—*Jas. Chapman*, Norwich, waterman.—*J. Bond*, Ludham, labourer.—*James Nockall*, Norwich, unemployed.—*John Smith*, Lakenham, gardener.—*Joseph Leary*, Norwich, dealer in brushes.—*Geo. Burcham*, Brampton, waterman.—*Jacob Filby*, Norwich, out of business.—*William Steggle*, Downham, saddler.—*John L. Mason*, Norwich, furniture broker.—*John Daynes*, sen., Norwich, manufacturer of silk and worsted goods.—*Jas. Osborne*, Long Stratton, harness maker.—*Th. Apsey*, West Walton, farmer.—*J. Cowles*, Hingham, butcher.

*Court-house, CARDIFF, Glamorganshire, Oct. 28 at 10.*

*John Anthony*, Dowlais, near Merthyr Tŷdŷil, collier.—*Jane Lloyd*, Swansea, grocer.—*Morgan Nicholas*, Bridgend, chemist.—*Lewis Llewellyn*, Melyn Gryddan, near Neath, wool spinner.—*Mary Hopkins*, Swansea, out of business.—*Mark Marks*, Cardiff, auctioneer.—*Wm. Patterson*, Cardiff, plasterer.—*Wm. Hughes*, Cardiff, mason.



*Court-house, MAIDSTONE, Kent, Oct. 27 at 10.*

*Peter French*, Shorne, near Gravesend, gardener.—*James French*, Higham, near Rochester, gardener.—*Wm. Russell*, Bethersden, thatcher.—*Geo. Bonny*, Maidstone, butcher.—*R. Barnes*, Sittingbourne, butcher.—*John Stevens*, jun., Smarden, near Ashford, farmer.—*Thos. Austin*, High Halden, near Tenterden, butcher.—*G. Hughes*, Hollingbourne, near Maidstone, bailiff to a farmer.—*Geo. A. Harris*, Deptford, stone mason.—*Wm. Wilkinson*, Gravesend, out of business.—*Jas. J. Walsley*, Watney-street, Commercial-road, Middlesex, captain in the merchant service.—*Jas. T. Brown*, Northfleet, out of business.—*Geo. Smith*, Shorne, near Gravesend, market gardener.

*Court-house, MONMOUTH, (County), Oct. 30 at 10.*

*Wm. Rogers*, Newport, attorney's clerk.—*John Scannell*, Newport, beer retailer.—*Thomas Larne*, Monmouth, copper-smith.—*Rich. Mattheus*, Newport, farm bailiff.—*J. Craven*, Blaiza Ironworks, beer retailer.—*Wm. Hemus*, Victoria Ironworks, brick maker.—*John Moses*, Pontypool, victualler.—*E. Morris*, Skinfirth, farmer.—*John Watkins*, Pontypool, labourer.—*Thomas Wells*, Newport, victualler.—*Eliz. Martin*, Drydock, Chepstow, grocer.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Rich. Scott*, Stonehouse, Devonshire, deputy steward of the Tin Coinages of the Duchy of Cornwall, Sole's, Devonport: 3s. 3d. in the pound.—*John Young*, Northampton, joiner, Oct. 12, Hensman's, Northampton: 5s. 3d. in the pound.

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# The Jurist

No. 353.

LONDON, OCTOBER 14, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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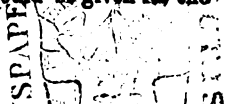
LONDON, OCTOBER 14, 1843.

Of the various branches of the jurisdiction exercised by the Court of Queen's Bench, one of the most important at the present time is that of issuing the writ of *mandamus*. This writ, which is defined by Lord Mansfield to be a prerogative writ, flowing from the King himself, sitting in the Court of King's Bench, superintending the police, and preserving the peace of the country, is first found in the old law books under the title of "a writ of restitution," (2 Roll. Abr., tit. "Restitution," pl. 8), and was then used to restore persons to corporate offices from which they had been removed without cause. It was soon, however, extended to the admission of persons who had been duly elected, but had never had possession of their offices, and then the term "*mandamus*," which is not to be found in the old bridgments, seems to have been first used. From this has been gradually extended, and from time to time applied to such purposes as the creation of new or the revived activity of old institutions, and the wants of an increased commerce and civilization, have rendered necessary, so that it is now a proceeding of a highly remedial nature, and applicable in all cases where there is a specific legal right, but no specific legal remedy. Thus, a mayor, alderman, or burgess wrongfully deprived of his office, a member of a university improperly suspended from his degree; does the head of a corporate body improperly refuse to affix the common seal to an instrument, an inferior court to exercise its jurisdiction, the lord of a manor to admit a person to a copyhold tenement, a corporation or public company to make compensation or perform other duties imposed upon it by law—in these and numerous other instances, the Court of Queen's Bench will provide redress by means of a writ of *mandamus*.

As the use of the writ increased, and the defects of the common-law method of proceeding upon it became

more obvious, alterations were introduced by several statutes, one being made so lately as in the last session. And it is principally with the view of tracing these, and, as it were, laying before our readers a history of the proceedings upon a *mandamus*, that we have taken up the subject, it having been suggested by a perusal of that act.

At common law, if the person to whom the *mandamus* was directed made an insufficient return to it, a peremptory writ issued; but if the matter returned were sufficient, although false in fact, no further proceedings were taken on the *mandamus*. The course then was for the party who applied for the writ to bring an action against the other for a false return; in which, if the jury found the return to be false, he recovered damages for the injury he had sustained by it, and a peremptory *mandamus* was then awarded. The stat. 9 Anne, c. 20, introduced an alteration in cases where the writ issued for the purpose of admitting or restoring persons to corporate offices. In these the inconvenience arising from the delay and expense of the common-law method, under which no return need have been made until after an alias and pluries writ, seems to have been most felt; probably because the writ was then but little used in other cases. By that act a return was required to be made to the first writ; and it was provided, that the person prosecuting it might plead to, or traverse, all or any of the material facts contained in the return, to which the party making it should reply, take issue, or demur, and such further proceedings should be had therein as might have been had if an action had been brought for a false return; and in case a verdict should be found, or judgment upon a demurrer, by nihil dicit, or for want of a replication or other pleading, be given, for the party prosecuting the writ, he should recover damages and costs, and a peremptory writ of *mandamus* should be granted. And if judgment should be given for the



party making the return, he should recover costs. The above statute, we have seen, applied only to writs of mandamus issued for admitting or restoring persons to corporate offices, and there were, therefore, many cases in which the method of proceeding must still have been according to the common law. And these remained so until the act of 1 Will. 4, c. 21, the 3rd section of which, reciting that the provisions of the act of 9 Anne had been found useful and convenient, and ought to be extended to the other writs, enacted that the several enactments contained in that statute relating to the return and the proceedings thereon, and to the recovery of damages and costs, should be extended and made applicable to all other writs of mandamus and the proceedings thereon, except so far only as the same might be varied or altered by that act; and which alterations consisted in providing for the protection, from the payment of damages or costs, of certain officers to whom writs of mandamus are directed, whose functions are merely ministerial; that the proceedings should not abate on the death, resignation, or removal of such officers; and that the costs of the application for a mandamus, whether granted or refused, and the costs of the writ, if issued and obeyed, should be in the discretion of the court, who may order by whom and to whom they shall be paid. By these statutes, the proceedings upon the return to a mandamus are rendered similar in many respects to those in an action; and before proceeding further, let us examine more particularly wherein they agree, and wherein differ.

We have said, that if the return were insufficient, a peremptory mandamus would be awarded. In such a case the party suing out the writ applied to the court to quash the return, which would be done upon motion if it were clearly bad; but if the case were one of difficulty, it would be put in the Crown paper for argument. The proceeding was like a demurrer to a declaration, but it differed from it in this—that no writ of error could be brought upon the judgment. The 9 Anne, c. 20, authorized the party making the return to reply, take issue, or demur to the traverse of the other party; but as to the party prosecuting the writ, it only authorized him to traverse the return. It was, indeed, at one time, thought, that, in cases within the statute, a writ of error lay by virtue of it; and the law is so laid down by Blackstone, (vol. 3, p. 265); but latterly it seems to have been agreed that this was not so, and that a writ of error could not be brought. (*R. v. Oundle*, 1 Adol. & Ell. 283). Thus, if the return was to be objected to in point of law, the proceeding differed in its first stage from an action, but in its subsequent stages it was similar to it. Whether, upon the return being traversed, the party making it replied, took issue, or demurred, the proceedings were the same as in an action, and upon any judgment then given a writ of error might have been brought by force of the statute.

Having thus stated what, until recently, was the method of proceeding, we will now notice the late act, by which our readers will see the *casus omissus* of the act of 9 Anne is provided for. The act of the 6 & 7 Vict. c. 67, recites, that writs of mandamus are frequently awarded, and often in cases of considerable importance, and the practice of issuing such writs hath of late very much increased, and that it is expedient that the judg-

ments of the Courts of Queen's Bench should be capable of being reviewed by a court of error, but that in neither of the acts of 9 Anne and 1 Will. 4, nor in any other act, is any power or authority given to the person prosecuting the writ to demur to the return, so that the decision of the court as to its validity could be reviewed by a court of error; and it enacts, that in all cases in which the person prosecuting the writ shall wish or intend to object to the validity of the return, he shall do so by way of demurrer to it, in such and the like manner as is practised and used in personal actions, and thereupon the writ and return and the demurrer shall be entered upon record, and such and the like further proceedings shall be thereupon had and taken as upon a demurrer to pleadings in personal actions; and the court shall thereupon adjudge, either that the return is valid in law or that it is not, or that the writ is not valid; and if they adjudge that the writ is valid, but that the return is not, then they shall also by their judgment award a peremptory mandamus. The 2nd section enacts, that, whenever any such judgment as above shall be given, or whenever issue in fact or in law shall be joined upon any pleadings in pursuance of the former acts, it shall be lawful for any party to the record to sue out and prosecute a writ of error for the purpose of reversing it, in the same manner and to the same court as a party to any personal action may do upon a judgment in such action; and such and the like proceedings shall thereupon be had and taken, and costs awarded, as in ordinary cases of writs of error in personal actions; and upon reversal of the judgment by the court of error, that court shall, in addition thereto give the same judgment which the court whose judgment is reversed ought to have given in that behalf the peremptory mandamus being issued upon production of an office copy of the judgment of the court of error.

We have thus traced the alterations which have been successively made in this ancient common-law proceeding, and we trust our doing so will not be without its use. In the manner in which, without interfering with its fundamental principle, it has been moulded and fashioned to meet the wants of an advanced state of society, it resembles the action of ejectment, and, like and many other parts of our law, affords a proof of the wisdom which, rather than resort to new and untried will seek to improve old and well-known forms of proceeding.

## OBSERVATIONS ON THE LEGAL INCIDENT OF GOODWILL.

The goodwill of a business, whether trading or professional, is a property or right of a very nondescript kind. Mr. Collyer treats it as being either an advantage arising from the fact of sole ownership simply without reference to other persons, or an advantage arising from sole ownership to the exclusion of other persons. (*Collyer's Partnership*, p. 80). This definition, however, like many other legal definitions, seems open to observation.

The goodwill of a trading business is plainly not an advantage necessarily connected with or arising merely from the sole ownership of the stock in trade and business-premises. If it were, there could be no necessity for making it specifically part of the contract; still less

for guarding the transfer of its benefit, by positive and negative covenants.

The goodwill of a *trade* seems to be rather some advantage arising out of the power of attracting business, which has attached partly on the person of the vendor of a stock in trade and particular place of business, and partly on the stock and locality, or one of them. Although, therefore, such a goodwill may in some sense and to some extent pass by assignment of the stock in trade, or by separate assignment of itself, it seems plain that such assignment cannot pass it entirely.

As to the goodwill of a *professional* business, such as that of a surgeon or an attorney, that seems to consist wholly of a power of attracting business attaching itself to the person of the vendor. Scarcely a fraction of such a goodwill can be thought to attach either on the stock in trade or the business-premises sold by the vendor; and therefore we apprehend that in no sense can such a goodwill be said to be an advantage arising out of the *ownership*. It is, in fact, a personal attribute of some individual, and therefore not only incapable of being itself the subject of ownership, but of being or becoming, except in the slightest possible degree, an incident to the ownership of any thing.

Leaving, however, both the easy task of criticism on the definitions of other writers, and the much more difficult one of ourselves framing a definition, we will attempt what will be of more use to our readers, viz. to state the results of the learning as to what can and what cannot be done with that indefinable sort of right called "goodwill."

It is clear, that the goodwill, even of a professional business, may be sold; that is, a contract for the sale of it, if accompanied by sufficient covenants, is founded on a lawful consideration. This was determined in *Bunn v. Guy*, (4 East, 190), in which the point was, whether a contract for the sale of an attorney's business was lawful. No question arose in this case as to the effect of a mere assignment or contract for the sale of the goodwill of an attorney's business, as the contract was guarded by sufficient covenants to introduce the purchaser and not to carry on the business. *Bunn v. Guy* decided, therefore, nothing as to the nature of the interest consisting of goodwill, but merely that it was lawful to sell it, and that a contract founded on such sale, if otherwise a good contract, was not invalid on that ground. This doctrine of *Bunn v. Guy* has been disapproved by succeeding judges. (Per Lord Eldon, in *Candler v. Candler*, 1 Jac. 231; and per Lord Langdale, in *Whittaker v. Howe*, 3 Beav. 389). It is, however, clearly settled law, and cannot now be disturbed. (3 Beav. 390).

It seems necessary, however, in order to render a transfer of the goodwill of a business effective, that it should be accompanied by such covenants on the part of the vendor as will bind him to do all things necessary to put and leave the purchaser in the undisturbed enjoyment of the goodwill; as it has been decided that where there is simply a contract for sale of a professional business without more, a court of equity will not carry such a contract into effect, but will leave the parties to law. (*Bacon v. Farlow*, 1 Mer. 459). And in *Baxter v. Conolly*, (1 J. & W. 576), Lord Eldon said, that a court of equity would not interfere either for or against a contract for the sale of a goodwill of a shop, observing, at the same time, that it could not be conveyed; and this, indeed, seems plain from its very nature, as it is no actual interest, but a mere possibility.

The result of Lord Eldon's observations seems to be, that a contract for the sale of a mere goodwill is incapable of being enforced either at law or in equity, for if it is not the subject of conveyance, the contract is merely equitable.

And here we will turn aside for a moment from the

cases, to consider the covenants that are proper for rendering effective a contract for the sale, or an assignment, of a goodwill.

On this point, it is observed by a learned writer, (Martin's Conveyancing, vol. 3, p. 387, *notis*), that an assignment of goodwill should always be protected by a covenant on the part of the vendor to do the acts necessary for putting the purchaser in possession of the benefit of the goodwill. The observation is no doubt quite consistent with the practice of conveyancers; nevertheless, of the value of such a covenant much doubt may be entertained; and unquestionably the other usual covenant introduced in such assignments, operating by way of restriction on the vendor's right to carry on the same business, is by far the most important.

We are not aware of any case in which a covenant by the vendor to introduce the purchaser into the business, has been enforced. In *Bryson v. Whitehead*, (1 Sim. & Stu. 74), in which there was a covenant of that kind, the court seems indirectly to have treated it as of no importance, by not taking any notice of it whatever in the decree. The contract was for the purchase of the plant and fixtures of a dyer's trade, and the goodwill of the trade, and contained a recital that the vendor possessed a secret in the art of dying, and covenants to instruct the purchaser in it, to make over the trade and goodwill, and use his endeavours to secure it by circular letters and other usual means; and also a covenant that the vendor should not engage in the business for twenty years, and other protective covenants operating by way of restriction on the vendor. The court, in decreeing specific performance of the agreement, directed the insertion in the deed of proper covenants in conformity with those parts of the agreement which operated by way of restriction, but took no notice whatever of the covenants to introduce. This case is, therefore, rather an authority against than for saying that equity will enforce such covenants. In *Bacon v. Farlow*, (1 Mer. 459), which we have above cited to shew that a court of equity will not carry into effect a mere agreement for the sale of a goodwill, when there is no collateral protection by covenants, the ground on which Sir W. Grant denied the power of the court to enforce by decree a mere agreement for the transfer of a goodwill, exists just as much with regard to the covenants to introduce, &c. ordinarily found in assignments of goodwill; viz. the insurmountable difficulty of determining what particular acts the vendor is to be decreed to do. To decree in the very terms of covenants so vaguely and generally worded as these covenants almost necessarily are, would only be apparently to evade the difficulty. How, for instance, could a decree be enforced, that the vendor should "introduce and recommend" the purchaser? No doubt, a covenant might be so framed as to point to specific acts, the doing of which the court might decree. But there is scarcely any act falling within the scope of such covenants, the beneficial effect of which does not depend more on the manner of doing it, than the mere doing it. On the former, it is clear that the court could not act; and from the doctrine laid down in numerous cases, that the court will not stultify itself by making a decree that it cannot substantially enforce, it may be inferred, that, firstly, unless, in an assignment of goodwill, the covenant to introduce the purchaser, &c. points at specific acts on which the construction of the decree could not be open to reasonable doubt, specific performance of such a covenant would not be enforced; secondly, that if the specific acts pointed at are not mere ministerial acts, as signing a circular, or permissive acts, as permitting one's name to be used,—but acts depending on the capacity for mental exertion and the volition of the covenantor, (of the nature of those acts of which in *Kemble v. Kean*, (6 Sim. 333), *Kimberley v. Jennings*, (Id. 340), *Clarke v. Price*, (2 Wils. 157), and others of that class, the court declared its inability to de-

cree specific performance), no assistance can be expected in equity. And keeping in view, that, as we have already observed, however specifically the acts to be done may be pointed out, the mode of doing them, on which their practical value depends, is altogether out of the reach of any court of law or equity, we would suggest, that very little reliance can be placed on the efficacy of such covenants in protecting an assignment of a goodwill; and that, although proper to be introduced *ex abundanti cautela*, the real protection of the transaction must be sought in other guarantees, and in the covenant restricting the vendor from carrying on the same business. It should be observed, also, that such covenants should be as specific as possible, for this further reason; that if couched in such general terms that the court would not specifically perform them, it may be a question whether they would not let in the doctrine of *Kemble v. Kean* and *Kimberley v. Jennings*, and destroy in equity the effect of the subsequent covenant not to carry on the trade.

With regard to covenants of the latter class, it is quite clear that a court of equity will carry them into effect under its general jurisdiction to restrain the breach of covenants in aid of specific performance. (*Bryson v. Whitehead*, cited above; *Williams v. Williams*, 2 Swans. 253; and *Hardy v. Martin*, 1 Cox, 261). And in framing covenants of this class, there is not the same difficulty to be contended with, that we have noticed in regard to the other class of covenants, because, in the covenants by way of restraint, the specific acts of injury are not only easily defined, but the injury depends on their mere commission, and not on the mode of their commission. Care must be taken, however, in framing them, to point out clearly all the acts of injury which may substantially interfere with the full enjoyment of the goodwill. It has been determined, for instance, in a question between partners, that a covenant not to *practise* the business during the partnership, did not extend to *soliciting*, during the partnership, future business. (*Coates v. Coates*, 6 Mad. 287).

(To be continued).

### Court Papers.

#### CAUSE LISTS.—MICHAELMAS TERM, 6 VICT.

##### Court of Queen's Bench.

###### NEW TRIALS

REMAINING UNDETERMINED AT THE END OF THE SITTINGS AFTER TRINITY TERM, 1843.

###### MICH. TERM, 1842.

The Queen v. Bymer  
Doe d. Fowler v. Clarke  
Doe d. Bramby v. Liversedge  
Doe d. Earl Warwick v. Cook  
Bosanquet & ors. v. Woodford  
Webber v. Richards  
Lake v. Arundell  
Wheeler v. Branscombe  
Webb v. Binns  
Doe d. Bake & ors. v. Derry  
The Queen v. The Inhabitants of Adderbury East  
Greville v. Chapman  
The West London Railway Co. v. Bernard  
Upham v. Goldstone  
Lancaster v. Wisbey  
Johnson v. Wood  
The Mayor &c. of Colchester v. Brooke  
The Corporation of Colchester v. Same  
Allen v. Haywood  
Simpson v. Coates

Doe d. Jones v. Harrison  
Bell v. Shelton  
Jones v. Thomas  
Williams v. Hughes & ors.

###### HILARY TERM, 1843.

Carpue v. The London and Brighton Railway Co.  
Sexton v. Dennes  
Huggins v. Coates  
Holloway v. Turner & ors.  
Hare v. Barstow  
Bailey v. Triebner  
Wood, Bart., v. Tassell  
Justice v. Gowar  
Evelyn v. Chippendale  
Reid v. Orbell

###### EASTER TERM, 1843.

Hall v. Hutchison  
Beal v. Moulis & ors.  
Mittelholzer v. Fullarton  
Same v. Same  
Lucey v. The General Steam Navigation Co.  
Beckett v. Potts

Watling & an. v. Horwood  
Rumball v. Munt  
Macintosh v. Hamilton  
Pain v. Allen  
Bevan v. Pilcher  
Jones v. Fay  
David v. Preece & ors.  
Thomas v. Davies  
Pritchard v. Powell & ors.  
Doe d. Harrison v. Meredith  
Berrill v. Perceval  
Doe d. Wilson v. Tredgett  
Bowtell v. Clay  
Edrump v. Cornwell  
Perkins v. Ransom  
Banks v. Darling  
Doe d. Starling v. Hillier  
Palmer v. Costerton  
Wharton v. M'Kenzie  
Doe d. Evans v. Page  
Davis v. Vernon & ors.  
The Queen v. Hill  
The Queen v. Boucher

The Queen v. Grierson  
Hewitt & an. v. Miller  
England v. West  
Farrar v. Dedinne  
Holford v. Hankinson & an.  
Thomas v. Worrel  
Doe d. Cowderoy v. Way  
Slader v. Hallett & ors.  
The Kennet and Avon Canal Co. v. The Great Western Railway Co.  
Young v. Hitchings  
Doe d. Davey v. Gent  
Alford v. Vickery  
Meadows v. Hammer & ors.  
Hargreaves & an. v. Wood  
The Queen v. The Inhabitants of Great Broughton  
Lamb v. Newbigging  
TRINITY TERM, 1843.  
Wakefield v. Newbon & an.  
Hasleman v. Young & an.  
Bush v. Brettell

### SPECIAL PAPER.

Lewis v. Nixon  
Amiott v. Monro  
Yonde v. Jones  
Henderson v. Henderson  
Simons v. Henderson  
Doe d. Bills v. Hopkins  
Gordon v. The Cheltenham & Great Western Railway Co.  
Yarworth v. Jackson  
Gibson v. Foster  
Hall v. Bainbridge  
Anderson v. Howell  
Jeffreys v. Smith & an.  
Dimes v. The Grand Junction Canal Co.  
Clipsham v. Virtue & an.  
Elliott & an. v. Stobart & an.  
Lord G. Bentinck v. Connop  
Wood v. Same

Chapman v. White  
Hewitt v. Gilbert  
Evans v. Lund  
Torrence v. Gibbins  
Karr v. Cubett  
Hewlett v. Hibbard  
Bownes v. Bownes  
Aspdin v. Austin  
Pitcher v. King  
Grimstone v. Hume  
The London and Greenwich Railway Co. v. Goodchild  
Torkington v. Reed  
Thomas v. Rogers  
Doe d. Earl Egremont v. Stephens  
Same v. Burroughs & an.  
Ellershaw v. Jay & an.

### PEREMPTORY PAPER.

ENLARGED RULES FOR MICHAELMAS TERM, 1843.

###### First Day.

Williams & Wife v. Pantan  
Bosanquet v. Graham  
Same v. Buchan  
Same v. Graham  
Same v. Coates  
Same v. Graham  
Same v. Jackson  
In re Guardians of Witham Union v. Scott & an.  
Ex parte Moore v. Postlehaite  
Bland v. Dax  
Bosanquet v. Graham  
Same v. Griffiths  
Morton v. Dunn  
The Queen v. Trustees of Trentham Savings' Bank  
The Queen v. Commissioners of Sewers of Tower Hamlets  
The Queen v. The Mayor of Wigan  
The Queen v. The Sheriff of Middlesex  
The Queen v. The Justices of the West Riding of Yorksh.  
The Queen v. The York and North Midland Railway Co.  
The Queen v. The Justices of Staffordshire

The Queen v. The Justices of Worcestershire  
The Queen v. The Justices of Yorkshire  
The Queen v. The Leicestershire and Northamptonshire Union Canal Company  
The Queen v. The Mayor &c. of Manchester

###### Second Day.

In the matter of Carter  
Lauer v. Shaw  
Same v. Bond  
Same v. Clarke  
Ex parte Taylor  
In re Cross  
Bray v. Gordon  
Marshall v. Newsom  
Story v. Story

###### Third Day.

Taylor v. Rolfe  
Wright v. Madocks & ors.  
Same v. Madock  
Lindley v. Girdler  
Porch v. Hopkins  
Richards v. Ray  
Brookes v. Parsons  
Seton v. Ambler

## CROWN PAPER.

For Wednesday, the 9th November.

Montgomeryshire . Reg. v. Marsh.	Same.
Same .....	Same.
Lancashire .....	Inhabitants of Bury.
Yorkshire .....	Inhabitants of Carsworth.
Same .....	Inhabitants of Cumberworth.
Warwickshire ....	Inhabitants of Birmingham.

## Court of Common Pleas.

REMANET PAPER TO MICHAELMAS TERM, 1843.

## ENLARGED RULES.

Matthews v. Groves	Richardson v. Kensit
Price v. Bartholomew	Johnson v. Shaw
Warry v. Phelps	

## NEW TRIALS.

EASTER TERM, 1843.

Stone v. Dunlop

TRINITY TERM, 1843.

Dodd v. Acklom  
Hall v. Ive  
Hague v. Burchett

## SPECIAL PAPER.

Brockbank v. Anderson | Benson v. Chapman

## Court of Exchequer.

SPECIAL PAPER FOR MICHAELMAS TERM, 1843.

STANDING FOR JUDGMENT.

Catherwood v. Caslon

TO STAND OVER.

Smith v. Hopkinson

FOR RE-ARGUMENT.

Bekker & ors. v. Magnay dem.  
Cheston & ors. v. Gibbs & an.

FOR ARGUMENT.

Hockin & an. v. Acramen  
Doe d. Fisher v. The Company  
of Proprietors of the Grand  
Junction Canal

PART HEARD.

Bishop of Exeter v. Hawkins | Foster & an. v. Wilson & an.

## NEW TRIAL LIST.

FOR JUDGMENT.

Michaelmas Term, 1842.

Jones v. Williams

FOR ARGUMENT.

Trinity Term, 1843.

Lloyd v. Child  
Thibault v. Gibson  
Hillman & an. v. Tapfield

## PEREMPTORY PAPER.

For Friday, Nov. 3, 1843, to  
be taken at the Sitting of  
the Court.

Davis v. Agett

Smith v. Gandell  
Higginson v. Broadhurst  
Davies v. Edmonds  
Chambers v. Smith

## COMMON-LAW SITTINGS, MICH. TERM.

## Court of Common Pleas.

In Term.

MIDDLESEX.

LONDON.

Wednesday ..... Nov. 8 | Friday ..... Nov. 10  
Tuesday ..... 14 | Friday ..... 17

After Term.

Monday ..... Nov. 27 | Tuesday ..... Nov. 28

The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Tuesday, the 28th November, in London, no causes will be tried, but the court will adjourn to a future day.

## Exchequer of Pleas.

In Term.

MIDDLESEX.

LONDON.

1st sitting, Friday . Nov. 3 | 1st sitting, Wednesday . Nov. 8  
2nd sitting, Saturday .... 11 | 2nd sitting, Friday ..... 17  
3rd sitting, Tuesday ..... 21 | By adjourn., Saturday .. 18

After Term.

Monday ..... Nov. 27 | Tuesday ..... Nov. 28  
(To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in Term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.—The court will sit during term at ten o'clock.

## London Gazettes.

TUESDAY, OCTOBER 10.

## INSOLVENT.

GEORGE BARRETT, Red Lion-passage and Red Lion-st., St. George the Martyr, poulterer.

## BANKRUPTS.

JOHN DAVIES and RICHARD DAVIES, Chiswell-street, Middlesex, drapers, Oct. 19 at 12, and Nov. 22 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Sole, Aldermanbury.—Fiat dated Oct. 9.

FREDERICK WILLIAM EUGENE BARANDON, Philpot-lane, London, merchant, Nov. 8 at 3, and Nov. 22 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Philipps, Clement's-lane.—Fiat dated Oct. 5.

JOHN MALLETT, Hadley, Middlesex, miller and corn dealer, Oct. 19 at 11, and Nov. 22 at half-past 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Sadgrove, 52, Mark-lane.—Fiat dated Oct. 3.

JOHN MILLINGTON and THOMAS SALTER, Manchester, and Low-mills, near Chorley, Lancashire, calico printers, Oct. 24 and Nov. 14 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Milne & Co., Manchester; Milne & Co., Temple.—Fiat dated Oct. 5.

## MEETINGS.

Chas. H. Weigall, Conduit-street, Regent-st., Middlesex, tailor, Nov. 2 at half-past 11, Court of Bankruptcy, London, aud. ac.; Nov. 3 at half-past 11, div.—John Baylis, jun., and James Baylis, Gutter-lane, Cheapside, London, crape manufacturers, Nov. 2 at half-past 11, Court of Bankruptcy, London, aud. ac. sep. est. John Baylis, jun., and Jas. Baylis; Nov. 3 at 11, first and fin. div. sep. est. John Baylis, jun., and Jas. Baylis.—A. Winton, Dav. Winton, and J. Webber, Wood-st., Cheapside, London, warehousemen, Nov. 2 at 12, Court of Bankruptcy, London, aud. ac.; Nov. 3 at 12, div.—R. Scampton, Coventry, grocer, Nov. 4 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—John Carrington, Leicester, bobbin turner, Nov. 2 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—Rich. Goolden, Welshpool, Montgomeryshire, carrier, Oct. 31 at 1, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 1 at 12, fin. div.—Rich. Burton, Wood-street, Cheapside, London, silk warehouseman, Nov. 1 at 11, Court of Bankruptcy, London, div.—John Bancroft, Salford, Lancashire, grocer, Nov. 1 at 12, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

David Hannay, Cavendish-square, Middlesex, banker, Nov. 2 at 11, Court of Bankruptcy, London.—Joseph Varty, St. Paul's Church-yard, merchant, Nov. 2 at 12, Court of Bankruptcy, London.—Thos. Trafford, Midge-inn, Hatton, Lincolnshire, innkeeper, Nov. 3 at 11, District Court of Bankruptcy, Leeds.—Chas. Benn Buchanan and W. Cunningham, Liverpool, merchants, Nov. 1 at 11, District Court of Bankruptcy, Liverpool.—Wm. Broomhead, Birmingham, merchant, Nov. 4 at 12, District Court of Bankruptcy, Birmingham.—Samuel Barker, Wrockwardine, Shropshire, grocer, Nov. 4 at half-past 12, District Court of Bankruptcy, Birmingham.—James Goddard and Holland Goddard, Market Harborough, Leicestershire, bankers, Nov. 9 at 1, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Oct. 31.*

*John Adnam*, Dorrington-street, Clerkenwell, Middlesex, upholsterer.—*Jas. Wilkinson* and *Geo. Augustus Wilkinson*, Leadenhall-street, London, indigo brokers.—*Sanders Chew*, Clapton, Northamptonshire, flour dealer.—*Henry Kay*, Chiswell-street, Middlesex, victualler.

#### FIAT ANNULLED.

*John Bennet*, Shiffnal, Shropshire, druggist.

#### PARTNERSHIP DISSOLVED.

*Chas. Thomas Reynolds Dewe* and *Henry William Fox*, Derby, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Mercer*, Glasgow, merchant.—*Matthew Anderson*, Glasgow, spirit dealer.—*John Coultis*, jun., Craigmeadow, Keig, Aberdeen, cattle dealer.—*Geo. Thom*, sen., Whiffet, near Airdrie, cattle dealer.—*Geo. Thom*, jun., Whiffet, near Airdrie, cattle dealer.—*Rob. Thom*, Whiffet, near Airdrie, cattle dealer.—*Alex. Thom*, Clarkston, cow feeder.

#### DECLARATIONS OF INSOLVENCY.

*William Charles Davis*, Cursor-st., Holborn, house painter.  
*Thomas Bailey*, Handsworth, Staffordshire, superannuated clerk of stores of the ordnance field train, Woolwich.  
*Edgar Dunn*, Birmingham, saddlers' ironmonger.  
*Samuel Hewitt*, Sparkbrook, near Birmingham, pork butcher.  
*William Cope*, Cobridge, Staffordshire, crate maker.  
*Thos. Starkey*, Stoke-upon-Trent, Staffordshire, cow keeper.  
*William Calvert*, Otley, Yorkshire, pig jobber.  
*Jane Worrall*, Bank-top, Manchester, out of business.  
*Mat. Pennington*, Huddersfield, Yorkshire, joiner.  
*Sidney Callum*, Leeds, Yorkshire, wheelwright.  
*Jas. Hutchinson*, Old Church-yard, Manchester, confectioner.  
*James Keate*, Cardiff, Glamorganshire, shoemaker.  
*John Cooper*, Berners-mews, Berners-street, Oxford-street, Middlesex, job master.  
*Thomas Lancashire*, Newton-heath, Manchester, agent for the sale of coal on commission.  
*John Preston*, jun., Wandsworth-road, Lambeth, Surrey, baker.  
*Anthony Frith*, Hoxton Old-town, Shoreditch, Middlesex, plumber.  
*Robert Ed. Edwards*, Liverpool, waiter.  
*Samuel Sasby*, Brightelmstone, Sussex, plumber.  
*Wm. Millican*, Cannon-street, London, tailor.  
*Samuel Impey*, jun., Bucklersbury, Hitchin, Hertfordshire, hair cutter.

#### INSOLVENT DEBTORS.

*Saturday, Oct. 7.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Thomas Reid*, Notting-hill, Middlesex, lieutenant on half-pay, No. 46,178 T.; *Samuel Sturgis*, new assignee, in place of *Wm. David Bevan*, assignee, removed.—*John Baugh*, Dawley, Shropshire, saddler, No. 55,911 C.; *Joseph Amphlett*, sole assignee, *Thomas Baddely*, assignee, removed.—*Henry Blunden*, Holloway, Middlesex, cheesemonger, No. 54,508 T.; *Adam Blunden*, assignee.—*Mary Charlton*, Granby-place, New-cut, Lambeth, Surrey, widow, No. 55,694 T.; *John Jackson*, assignee.—*George Juxon Huggins*, Stone-house, Edgware, Middlesex, Esq., No. 54,084 T.; *Jos. Alexander James M'Gregor*, assignee.—*John Chas. Jumpsen*, Stockwell, Surrey, out of business, No. 54,956 T.; *John Gorton*, assignee.—*Wm. Weller*, Datchett-bridge, New Windsor, Berkshire, licensed victualler, No. 62,785 C.; *John Farnell* and *John Carter*, assignees.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Oct. 31 at 9.*

*Seth Bull*, Hoxton Old-town, corn dealer.—*James Thomas Thorndell*, Wade-street, Poplar, brewer's labourer.—*Thomas Smith*, Newgate-street, dealer in Berlin wool.—*Jesse Barkham*, North-street, Edgware-road, lodging-house keeper.—*James Bigg*, sen., Bow-street, and North-row, Covent-garden, fruit salesman.—*Alex. Muir*, Berner-st., Commercial-road East, shoemaker.—*Wm. Jewell*, Sloane-square, Chelsea, carver and gilder.—*Sam. V. Powell*, Bromley, near Bow, plasterer.—*John Wm. Starmer*, Goswell-road, clerk to a warehouseman.—*Robert Symson*, Queen-street, Fimlico, bricklayer.—*Benj.*

*B. Collins*, High-st., Shoreditch, furnishing ironmonger.—*J. Sellwood*, Harrow-upon-the-Hill, market gardener.

*Nov. 2, at the same hour and place.*

*Charles Ashwood*, South-crescent-mews, Burton-crescent, shoemaker.—*John Boulton*, St. Mark's-road, Kensington, Surrey, out of business.—*Sigismund Gand*, Bow-street, Covent-garden, assistant to a tobacconist.—*Edward Norris*, Cornwall-stables, Baker-street, Regent's-park, ostler.—*James Smith*, Steam-mill-yard, Bromley, labourer.—*Chas. Thredder*, Carlon-terrace, Brunswick-street, Dover-road, Surrey, shoemaker.—*Sarah Badham*, Park-place, East-street, Walworth, milliner.—*Catherine Ure*, George-street, Blackfriars-road.—*Chris. Sullivan*, Charles-street, Hatten-garden, working optician.—*Thomas Wood*, Sion-college-garden, Aldermanbury, London, commission cloth-agent.—*Thomas Ball*, Litchfield-street, Soho, fishmonger.—*Phillip Wright*, Clark-st., Commercial-road-East, out of business.

*Court-house, KINGSTON-UPON-HULL, Oct. 31 at 10.*

*Martin Hall King*, South Ferryby, near Barton-upon-Humber, bailiff.—*Wm. Nicholson*, Hull, out of business.—*Wm. Harrison*, Hull, out of business.—*Richard Murphy*, Hull, grocer.—*Robert Featherstone*, Hull, picture dealer.—*George Walker*, Hull, joiner.—*James C. Seales*, Hull, painter.—*Jos. E. Bowers*, Hull, dealer in coals.—*Wm. Smith*, Hull, out of business.—*Henry Senior*, Hull, out of business.—*J. Whipp*, Hull, butcher.—*Richard Gooddy*, Hull, out of business.

*Court-house, YORK (City), Nov. 2 at 10.*

*John W. Doughty*, York, bacon factor.—*George Savage*, York, dealer in straw.—*John Wadsworth*, York, out of business.—*James Godfrey De Burgh*, York, out of business.

*Court-house, YORK CASTLE, (County), Nov. 2 at 10.*

*Nancy Kendal*, High Oaks, Munthwaite, near Selbury, widow.—*Thos. Hutchinson*, West Burton, near Leyburn, farmer.—*Thomas Breckon*, Golden Lion-bank, Whitby, butcher.—*Joseph Garbutt*, Pickering, gardener.—*John Kewlun*, Easingwold, yeoman.—*J. Brittain*, Newport, brickmaker's assistant.—*Rich. Fred. Waterlow*, Cottingham, near Kingston-upon-Hull, out of business.—*Thomas Winter*, Howden, grocer.—*Wm. Savage*, Scarborough, draper.—*Fras. Hudson*, South Kelvington, Thirsk, innkeeper.—*George Turner*, Newport, near Howden, tailor.—*Wm. Hall*, sen., North Burton, near Burlington, farmer.—*Edward O. Parkinson*, Norton, near Molton, out of business.

*Court-house, LYNN, Norfolk, Nov. 1 at 10.*

*Robert Wilkinson*, King's Lynn, stonemason.—*Geo. Bone*, King's Lynn, mariner.—*John Thompson*, Lynn, baker.

#### FRIDAY, OCTOBER 13. BANKRUPTS.

**JOSEPH HARRISON**, Brighton, Sussex, coach builder, Oct. 30 at 12, and Nov. 24 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Cross, Surrey-street, Strand.—Fiat dated Oct. 6.

**WILLIAM EDWARD FILBEY**, Norwich, wine merchant, Oct. 25 at 10, and Nov. 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Hill & Matthews, 1, Bury-court, St. Mary-axe.—Fiat dated Sept. 27.

**JAMES LEONARD WOODRUFF**, Great Missenden, Buckinghamshire, innkeeper and coach proprietor, Oct. 25 at 3, and Nov. 15 at 10, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Paterson, Bouverie-st., Fleet-street.—Fiat dated Oct. 9.

**JOSEPH RIDGEWAY**, Manchester, merchant and commission agent, Oct. 26 at 11, and Nov. 21 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sol. Barlow & Aston, Manchester; Bower & Back, 46, Chancery-lane.—Fiat dated Oct. 4.

**JOHN WILLIAM HARRISON**, Stockton-upon-Tees, Durham, grocer and tea dealer, Oct. 30 at 11, and Nov. 29 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Conwell & Ridley, Newcastle-upon-Tyne; Maples & Co., 6, Frederick's-place, Old Jewry, London.—Fiat dated Oct. 2.

**THOMAS JAMES WHIDBORNE**, Liverpool, chemist and druggist, Oct. 26 and Nov. 14 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Neal, Liverpool; Hall & Co., 2, Vauxhall-buildings, Gray's-inn, London.—Fiat dated Oct. 10.



**JOHN SMALLEY**, Sneinton, Nottinghamshire, iron founder and rag and coal merchant, Oct. 26 at 1, and Nov. 28 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Bowley, Nottingham; Smith, Birmingham. —Flat dated Oct. 3.

#### MEETINGS.

**Thos. Walker**, Monkwearmouth, Durham, common brewer, Oct. 23 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, pr. d.—**John Kilevert**, Manchester, calico merchant, Nov. 6 at 1, District Court of Bankruptcy, Manchester, last ex.—**John Knight**, Preston and Lancaster, mercer, Oct. 17 at 11, District Court of Bankruptcy, Manchester, last ex.—**Jas. Pickford**, Hazel-grove, Cheshire, plumber, Nov. 7 at 12, District Court of Bankruptcy, Manchester, last ex.—**Robert Caldecott** and **John Caldecott**, Manchester, silk mercers, Oct. 16 at 11, District Court of Bankruptcy, Manchester, last ex.—**Sarah Chapman**, Liverpool, sail maker, Oct. 23 at 11, District Court of Bankruptcy, Liverpool, last ex.—**Jos. Boyd**, Piccadilly, eating-house keeper, Nov. 6 at half-past 12, Court of Bankruptcy, London, aud. ac. and div.—**Jackson Barwise**, Pall-mall, house decorator, Nov. 6 at 1, Court of Bankruptcy, London, aud. ac. and div.—**B. L. Watson**, Cornhill, London, Gordon-square, St. Pancras, Middlesex, and Queensborough, Kent, manufacturer of flags, Nov. 7 at half-past 11, Court of Bankruptcy, London, aud. ac.—**John Cooper**, Cambridge, merchant, Nov. 7 at 12, Court of Bankruptcy, London, aud. ac.—**Wm. Nathan Hunt**, Watling-street, London, stationer, Nov. 7 at 11, Court of Bankruptcy, London, aud. ac.—**Jas. A. Buller**, Loddington, Northamptonshire, machine maker, Nov. 7 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Thomas Norrington**, Writtle, Essex, wheelwright, Nov. 7 at 1, Court of Bankruptcy, London, aud. ac.—**Wm. Frederick Mills**, Hart-street, Mark-lane, London, and High Holborn, Middlesex, merchant, Nov. 4 at 1, Court of Bankruptcy, London, aud. ac.—**Edw. Ollerenshaw**, Manchester, hat manufacturer, Nov. 6 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 7 at 12, div.—**David Edwards**, Pembroke, Haverfordwest, miller, Nov. 7 at 11, District Court of Bankruptcy, Bristol, aud. ac.; at 12, div.—**Thos. Hooper**, Hay, Brecknockshire, chemist, Nov. 7 at 1, District Court of Bankruptcy, Bristol, aud. ac.; at 2 div.—**Wm. North**, Bath, Somersetshire, publican, Nov. 9 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Nov. 10 at 12, div.—**Henry Wm. Hobhouse**, **Johnson Phillott**, and **Charles Lowder**, Bath, Somersetshire, bankers, Nov. 16 and 17 at 11, District Court of Bankruptcy, Bristol, aud. ac. of joint and sep. est.—**Edw. Coleman**, Leicester, iron founder, Nov. 8 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Rich. Pitt**, jun., West Bromwich, Staffordshire, hatter, Nov. 8 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—**John Clarke** and **Geo. Clarke**, Market Harborough, Leicestershire, Rope Maker-street, London, and Burton Lattimer, Isham, and Spratton, Northamptonshire, carpet manufacturers, Nov. 10 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Thomas Bate**, **William Smith Bate**, and **Jas. Hellings**, Rugeley, Staffordshire, brewers, Nov. 8 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Rowland Evans**, **John Foster**, **Skinner Z. Langton**, and **Thomas Foster**, Barge-yard, Bucklersbury, London, East India merchants, Nov. 6 at 11, Court of Bankruptcy, London, fin. div. sep. est. of **S. Z. Langton**.—**Herbert Hardie**, Manchester, merchant, Nov. 2 at 12, District Court of Bankruptcy, Manchester, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

**Henry Andrews** and **Chas. Twining**, Hope Brewery, Peckham, brewers, Nov. 6 at 2, Court of Bankruptcy, London.—**James Watkins**, Exmouth-street, Clerkenwell, draper, Nov. 6 at half-past 11, Court of Bankruptcy, London.—**J. Elliott**, Chichester, Sussex, builder, Nov. 3 at half-past 1, Court of Bankruptcy, London.—**J. Marriage**, jun., Moulsham, Chelmsford, Essex, miller, Nov. 3 at half-past 1, Court of Bankruptcy, London.—**Geo. Jackson**, Hertford, upholsterer, Nov. 10 at 2, Court of Bankruptcy, London.—**Jas. Smith**, Goldsmith-street, Wood-street, London, warehouseman, Nov. 11 at 12, Court of Bankruptcy, London.—**Charles Christelow**, York, woollen draper, Nov. 7 at 11, District Court of Bankruptcy, Leeds.—**J. Blount Herbert**, Gloucester, timber dealer, Nov. 14 at 11, District Court of Bankruptcy, Bristol.—**David Edwards**, Pembroke, Nov. 7 at 11, District Court of Bankruptcy,

Bristol.—**Joseph John Monk Mason Scott**, Liverpool, corn merchant, Nov. 7 at 11, District Court of Bankruptcy, Liverpool.—**Hen. Bourne Jones**, Birkenhead, Cheshire, plumber, Nov. 14 at 1, District Court of Bankruptcy, Liverpool.—**James Hellings**, **Thomas Bate**, and **William Bate**, Rugeley, Staffordshire, brewers, Nov. 8 at 11, District Court of Bankruptcy, Birmingham.—**Thos. Hitchcock**, Alrewas, Staffordshire, worsted manufacturer, Nov. 8 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 3.

**Abraham Harris**, Sharp's-buildings, Tower-hill, Middlesex, slopeller.—**Rob. Jones**, Newboro'-house, draper.—**Ryes Davies**, Abercane, Monmouthshire, grocer.—**E. Rawlinson**, St. Helens, Lancashire, alum manufacturer.—**Thos. Skinner**, Godalming, Surrey, butcher.—**Chas. Holebrook**, Uttoxeter, Staffordshire, plumber.—**John Ogden Burnley**, Heckmond-wike, Yorkshire, corn miller.—**John Alex. Lee**, Liverpool, iron founder.—**John Harriman** and **Thos. Harriman**, Nottingham, drapers.—**James Bottomley**, Delph, Yorkshire, woollen manufacturer.—**Enderby Laughton**, Wisbeach, St. Peters, Cambridgeshire, brewer.—**Richard Goody** and **Wm. Edward M'Kee**, Kingston-upon-Hull, millers.—**John Swallow**, jun., Brow and Sterne-mills, Skircoat, Halifax, Yorkshire, corn miller.—**Wm. Henzey Bond**, Brierley-hill, Kingswinford, Staffordshire, wine merchant.—**Jos. Oates**, Glossop, Derbyshire, innkeeper.—**Jos. R. Beer** and **Wm. Hen. Bastick**, St. Thomas the Apostle, Devonshire, coal merchants.

#### SCOTCH SEQUESTRATIONS.

**Fraser and Baillie**, Inverness, grocers.—**Pet. Cardno**, Aberdeen, stoneware merchant.—**J. Simpson**, Greenock, merchant.

#### DECLARATIONS OF INSOLVENCY.

**John Aylmore**, West Wittering, Sussex, farmer.  
**Charles Ellis Miller**, Kensal-green, Harrow-road, Middlesex, plumber.  
**John Hinchcliffe**, Dewsbury, Yorkshire, grocer.  
**A. Dawson**, Sheepridge, Huddersfield, Yorkshire, clothier.  
**Samuel Allen**, Liverpool, shipwright.  
**Thomas Goldsworthy Dutton**, Arbour-square, Commercial-road, Middlesex, smith.  
**George Hull**, Carriage-mart, Shropshire-pl., Pancras-street, Tottenham-court-road, Middlesex, omnibus proprietor.  
**Peter Goullett**, Gloucester, surgeon.  
**James Huggett**, Seal, Kent, harness maker.  
**Sam. Lee**, Soley-terrace, Amwell-st., Clerkenwell, warehouseman's assistant.  
**Wm. Rose**, Price's-terrace, Westminster-road, Lambeth, out of business.  
**Henry Parrott**, Marlborough-place, Walworth-road, Surrey, out of business.  
**Charles Hewitt Welch**, Ashborne, Derbyshire, attorney at law.  
**Daniel Mullins**, Southampton-st., Strand, surgeon.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Nov. 3 at 9.

**Rob. Williams**, Vine-yard, Tooley-st., Southwark, watchmaker.—**Phil. Mines**, Margaret-st., Cavendish-sq., Middlesex, woollen draper.—**Theresa A. Corgan**, Great Ealing, Middlesex, no business.—**John White**, Great College-street North, Camden-town, out of business.—**Patrick Fitzgerald**, Frederick-place, Hampstead-road, servant to a greengrocer.—**John Brown**, Long-lane, Bermondsey, Surrey, baker.—**G. Gilbert**, Bromley-common, Kent, driver of a stage coach.—**Stephen Rawlinson**, Queen-street, Edgeware-road, Mary-le-bone, out of business.—**Wm. C. Welland**, High-st., Poplar, butcher.—**Jas. H. Cook**, Portman-st., Oxford-st., Middlesex, saddler.—**Hen. Wood**, Coleman-st., London, out of business.—**Joseph Jarman**, jun., Arthur-st., King's-road, Chelsea, upholsterer.

Nov. 6, at the same hour and place.

**John Dancocks**, sen., Pantom-st., Haymarket, waiter.—**W. Vanner**, Richmond-place, Beavor-lane, Hammersmith, out of business.—**Jas. Bagley**, Providence-row, South-st., Walworth, Surrey, carpenter.—**Geo. Beardsell**, Fort-place, Grange-road, Bermondsey, Surrey, commission traveller.—**Matthew Steele**, sen., Walton-on-Thames, Surrey, parish clerk.—**Veoletta E. Mackenzie**, dec., King's Arms-yard, Coleman-street, London, Lower Norwood, Surrey, and Pantom-sq., Haymarket, merchant.—**Jas. Stewart**, Queen-st., Edgeware-road, Middlesex,

out of business.—*Philip Chalk*, Gibraltar-row, St. George's-road, Southwark, compositor.—*Thos. Clarke*, Park-pl., East-street, Lock's-fields, Walworth, Surrey, emery paper manufacturer.—*Rich. Chas. Webb*, London-road, Surrey, printer.—*Alfred Carpenter*, Great St. Helen's, Bishopsgate-street, London, gentleman.—*Wm. Peck, sen.*, Essex-street, Hoxton Old-town, seller of horses.

**Court-house, GLOUCESTER, (City), Nov. 4 at 10.**

*Wm. Phelps*, Gloucester, tailor.

**Court-house, GLOUCESTER, (County), Nov. 4 at 10.**

*Thos. Halling*, Cheltenham, labourer.—*Basil Meek*, Bailey-hill, Forest of Dean, quarryman.—*John Ducker*, Chalford, railway contractor's assistant.—*Thomas Harvey*, Fairford, retailer of beer.—*John Sadler Miles*, Parton, Wiltshire, out of business.—*J. Jones*, Brockworth, shoemaker.—*Jas. Debanks*, Coln St. Aldwyns, near Fairford, carrier.—*M. Preece*, Lancend, near Coleford, out of business.—*Wm. Jackson*, Frampton-on Severn, coal dealer.—*W. H. Sterry*, Westbury, out of business.—*John Drinkwater*, Huntley, glazier.—*Augustus Newton*, Esq., Ripon, Yorkshire, and Cheltenham, Gloucestershire, and Prince of Wales Hotel, Great Western Railway Station, Paddington, Middlesex, and Middle Temple, barrister at law.

**Court-house, CAMBRIDGE, (County), Nov 6 at 10.**

*R. G. Ind*, Cambridge, ironmonger's assistant.—*W. King*, jun., Cambridge, out of business.—*John Sewell*, Chatteris, Isle of Ely, attorney at law.—*Thomas Cole*, Cambridge, out of business.—*Thomas Dunn*, Chatteris, farrier.—*Wm. Martin*, Soham, labourer.—*James Barrett*, jun., Littleport, Isle of Ely, blacksmith.—*Ann Hewitt*, Cambridge, plumber.

**Court-house, BURY ST. EDMUND'S, Suffolk, Nov. 4 at 10.**

*John Smith*, Bury St. Edmund's, saddler.

**Court-house, RICHMOND, Yorkshire, Nov. 6 at 10.**

*George Thackwray*, Braithwaite-hall, East Witton, farmer.

**INSOLVENT DEBTORS' DIVIDENDS.**

*Charles Newman*, Plaistow, Essex, wine merchant; 8s. 3d. in the pound.—*Storer Eddowes*, Loughborough-park, Loughborough, Leicestershire, farmer; 7s. 3½d. in the pound.—*W. Culbard*, Vauxhall-walk, Lambeth, clerk in the General Registry Office; 1s. in the pound.—*Samuel Gill*, Trinity-square, Newington, Surrey, clerk in the Customs; 3s. 8d. in the pound.—*John Shaw*, Carolgate, East Retford, Nottinghamshire, cabinet maker; 1s. 7½d. in the pound.—*Wm. G. Aston*, Bicester, Oxfordshire, grocer; 5s. 2½d. in the pound.—*J. Whitaker*, Chatteris, Isle of Ely, Cambridgeshire, plumber; 1s. 4½d. in the pound.—*George Lanham*, Bury St. Edmund's, Suffolk, corn merchant; 1s. 2½d. in the pound.—*Wm. Oram*, Westbury-upon-Trym, Gloucestershire, schoolmaster; 8½d. in the pound.—*Samuel Coulthard*, King-street, Portman-sq., Middlesex, captain in the E. I. C. service; 3s. 9d. in the pound.—*J. Hellyer*, Chatham, Kent, farmer; 1s. 7d. in the pound.—*Wm. Sampson*, Ilminster, Somersetshire, lieutenant R. M.; 17s. 6d. in the pound.—*John Trotter*, Brighton, captain R. A.; 4s. 4d. in the pound.—*W. V. Burney*, Cremil-point, near Plymouth, Devonshire, inspector of police; 1s. 10d. in the pound.—*Robert Blennerhassett*, Bridport-place, New North-road, Middlesex, upholsterer; 9s. 8d. in the pound.—*Matilda Crow*, Webber-row, Southwark, milliner; 2s. 2d. in the pound.—*Thomas Baker*, Manor-street, Clapham, Surrey, tailor; 2s. 5½d. in the pound.—*Geo. Wilson*, Newcastle-upon-Tyne, lieutenant R. N.; 5s. 9d. in the pound.

**Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.**

**MEETINGS.**

*Wm. F. Wodson*, Cheltenham, Gloucestershire, Nov. 3 at 12, Wood's, York, sp. affairs.—*James Rose*, Little Saffron-hill, Holborn, shoemaker, Oct. 28 at 12, Taylor's, 23, Lincoln's-inn-fields, sp. affairs.

Died, on the 6th instant, aged 46, Robert Dixon, Esq., Barrister at Law, of No. 6, New-square, Lincoln's-inn.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*Ireland*: Edward Simmonds, of Dublin; William Davis, of Dublin; James Davis, of Dublin.

Whitehall, Oct. 7, 1843.

**THE LORD CHANCELLOR** has appointed **JAMES DAVIS**, of Great Brunswick-street, in the City of Dublin, and of Belfast, Gentleman, to be a Master Extraordinary of the High Court of Chancery in that part of the United Kingdom of Great Britain and Ireland called Ireland.

Whitehall, Oct. 7, 1843.

**THE LORD CHANCELLOR** has appointed **WILLIAM DAVIS**, of Great Brunswick-street, in the City of Dublin, and of Belfast, Gentleman, to be a Master Extraordinary of the High Court of Chancery in that part of the United Kingdom of Great Britain and Ireland called Ireland.

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# The Jurist

No. 354.

LONDON, OCTOBER 21, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

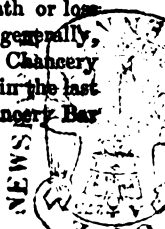
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Vice-Chancellor Wigram's Court .....	F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, OCTOBER 21, 1843.

THE power of going through severe and most protracted labour has always been considered a necessary attribute of the Bar; and in all times capable at all of bearing the appellation of modern, the practice of the Bar has been to labour to excess. Of late years, however, this practice, especially at the Chancery Bar, has grown to an extent which must ultimately become the source of its abrogation, since, blinded though men usually are to the indomitable force of the natural laws, by the love of wealth, the excitement of successful business, and the false modes of calculation which custom has taught them to believe in without examination, the time must come at length when the silent yet certain action of those laws will force the perception of their power upon the minds of those who persist in infringing them, and bring men, by the process of severe punishment, to recognise and practise the duty of obedience.

These are observations which, as bearing on the habits of business of the Bar, have no doubt occurred again and again to the mind of almost every man who has such business; yet none will cast the first stone. All are agreed that the increasing devotion of our time to the study and the practice of the law, the immersion of the mind for twelve and often a greater number of hours in every day, in the one occupation of reading law, writing law, talking law, and thinking of nothing but law, to the exclusion not only of all other exercises of the mind, but of nearly all useful exercise of the body, and to the deterioration of even that moderate portion of sleep which is only tolerated because men cannot, with all their eager energy for business, work wholly without sleep; all, we say, are pretty well agreed, that these practices are alike destructive of the health of the body and the tone and furnishing of the mind; and yet, individually condemning the practice, we continue it a body, and not only continue it, but

extend almost from year to year the limits within which we stop and say, our day of labour is over: so that now the contest for success at the Bar, is not one so much of talent or wisdom, as of physical strength. Undoubtedly, there are occasionally men to whom nature has given powers of mind so great, that they can do more without labour than other men can with; and to such men, of course, our present argument does not apply; but these are at the Bar, as every where else, of rare occurrence. There are, perhaps, at the present moment two men, and not more, so gifted, and there are rarely at any one time more. Speaking, therefore, generally, we repeat, and we know that the majority of the profession will admit the truth of our statement, that, with the present habits of the Bar, the struggle for success is more one of strength of constitution, than of mental ability. This is undoubtedly felt more at the Chancery than at the Common Law Bar, and for very obvious reasons: first, that although the intellectual labour to be gone through by a common lawyer in full practice is as great and as severe as that of a Chancery lawyer, yet the time necessary for the transaction of equity business is, owing to the forms of pleading, and the practice of uniting in one person the duties of pleader and advocate, much longer than that required for a corresponding extent of common law business; secondly, that the circuit necessarily forces upon men at the Common Law Bar, a periodically recurring abstinence from sedentary and mental labour, whereas the Chancery barrister is, with scarcely any interval, chained to the same unvarying routine of attendance in court, and writing or reading against time at his chambers, for his appointed hours of every day during the whole of the legal year. Accordingly, we believe that though premature death or loss of health are but too common with the Bar generally, they are more frequent among men at the Chancery than at the Common Law Bar; indeed, within the last two years the instances of men at the Chancery Bar



driven from practice, or forced on to an early grave by the pressure of inordinate overtasking of the faculties, are so numerous as to leave it impossible for the survivors not to take warning, and to see that if they will not depart at all from the fatal habits of business that have destroyed their brethren, they also must buy their gold and their honours at the price of life or health. It is said by many, who admit the pernicious tendency of the inordinate extension of the daily labour of the Bar, that, seeing the evil, not only they see no remedy, but that no remedy can be applied; that it is an evil consequent on the nature of the business entrusted to counsel. On this argument it may be observed, firstly, that upon the face of it it appears unsound, because it assumes that the business and constitution of the Bar are things arising out of, and formed by, natural laws, instead of being, as all civil business is, simply the result and creature of the wants and arbitrary regulations of society. It might as well be said of wigs and gowns, as of long hours of labour, that they are an inevitable necessity. That there is a tendency from the constitution of the bar and of the other branch of the profession, to accumulate business in few hands, is not to be denied; and it is clear also, that one result of that tendency is not only to impose severe and over-protracted labour on those to whom such large amounts of business are confided, but to give a sort of fashion to unlimited labor, making the character of a hard-working man a reality with every man of actual business, and an object to be attained with every aspirant who is in earnest. But it does not follow that such a tendency is irresistible, or is deserving of encouragement; and we apprehend it is in the power of the Bar itself to check it. It is quite certain, for instance, that, as to men who have already attained high eminence, and are as it were persecuted by clients, they might withdraw themselves to any reasonable extent from the fatigues of excessive business, without in any degree endangering their popularity or usefulness. And if it be said that men who have toiled to the high places in their profession, cannot be expected to sacrifice any portion of the personal advantages resulting from it, the answer is, that it is most questionable whether they would in fact make any material sacrifice. Besides, after all, this is an argument which addresses itself wholly to the question of money and money only. Now, we do not mean to advance any such false and sentimental nonsense, as that the members of the Bar do not, as well as the members of other professions, labour for money; but we do maintain, that it is not for money *quâ* money, and for its mere material enjoyments, that they toil, but principally as an incident to that professional eminence which confers honour, and power, and respect, on him who attains it.

It is not, therefore, because eminent men make enormous professional incomes that their position is an object of ambition, but because they are the *first* in their profession; and men the most distinguished for ability would not cease to be the most distinguished, would not cease to be the foremost for the honours of public life or of their profession, because they abstracted a few hours in the day from purely professional objects, even if by so doing they should add a few thousands less to that store, of which the acquisition leaves them no time for the enjoyment. That this is most true, even in this gold-worshipping country and age, is proved by the fact, that of the men at present most influential in

the two houses of Parliament, some are known to be for their station absolutely poor, and none are possessed of fortunes which would of themselves command great political influence. Therefore we say, that, even if money to some extent were to be sacrificed by men at the Bar by curtailing the extent of their labour, that ought not, even on the ground of professional ambition, to be an obstacle, because that which is or ought to be to them more than money, *viz.* honour, and rank, and station, would not be sacrificed.

Be it remembered also, while touching on the question of mere money, that, if a new system were introduced, under which the few who have attained high reputation were not worked to death, the many who are yet to attain reputation would not be, as they now are, nearly unoccupied during the first dreary ten years of practice. Consequently, to nine-tenths of all the men who go to the Bar, the gains of a professional life of ordinary duration would be as nearly as possible what they now are; with this difference only in the mode of enjoying them, that, instead of being nearly killed with ennui for ten years, and then, if strong enough to survive that, being killed, or for most purposes of human enjoyment, worn out with the next ten years of excessive labour, men would more speedily obtain moderate occupation, and would pass on gradually from that to higher and more extensive occupation, but never be overwhelmed either with idleness or with work.

We must confess, however, that, notwithstanding our strong conviction of the necessity of a considerable departure by the Bar from its present habits of over-long labour, we have scarcely the faintest hopes that it will adopt any change of its own volition. No, we shall continue to work with unceasing eagerness, and probably increasing devotion of time, until more and more victims have been sacrificed; and when death and sickness shall have at length, as they certainly will, spread themselves more and more among us, and shall have swept off men enough to convince even the most sceptical and thoughtless of the error of our ways, then, and probably not till then, shall we do, under the pressure of an ignoble fear, that which we ought to do under the influence of reason and foresight; then, probably, and not till then, shall we make an attempt to reduce the labour of the Bar within those reasonable limits, beyond which nature has not given to the average, even of superior men, health of body or tone of mind to go.

## OBSERVATIONS ON THE LEGAL INCIDENTS OF GOODWILL.

(Continued from p. 360.)

To return to the consideration of goodwill as a subject of sale, we must recollect, that, when it is said that equity will not interfere with regard to a contract for the sale of a goodwill, that must be understood of cases where the goodwill is supposed to have a distinct existence, and to be the principal subject-matter of the contract. But where the goodwill can be considered as a mere incident to some actual interest, equity will interfere. Thus, in a case where the lease of a house, in which a business was carried on, was deposited by way of equitable mortgage, and after the death of the mortgagor, in a suit for administration of his assets, the lease and goodwill were sold, it was contended, on behalf of the general creditors and of the personal representatives of the mortgagor, that the mortgage lien extended only over the lease, and that the value of the goodwill must be separated from the whole price given. But the court said, "The goodwill of the business is nothing more than an advantage attached to the possession of the house; and the mortgagee being entitled to the possession of the house, is entitled to the

whole of that advantage. I cannot separate the goodwill from the lease." (*Chisum v. Dewes*, 5 Russ. 29).

The next point of view in which "goodwill" is to be considered, is as constituting assets. In *Hitchcock v. Coker*, (6 Adol. & Ell. 438), Sir N. Tindal, C. J., observed, "The goodwill of a trade is a subject of value and price; it may be sold, bequeathed, or become assets in the hands of a trader." And it is also stated in rather too unqualified a manner in some text-books, that goodwill is assets in the hands of a personal representative.

In adopting this rule, we must be careful to distinguish between goodwill as an incident to some actual interest, and mere goodwill, such as the goodwill of a professional business. With regard to the latter, it has been held that it is not assets. This was the case of *Spicer v. James*, (MS. C. Collyer's Partnership, 82).

A., a country attorney, having died intestate, B., a London attorney, and a friend of the family, with the consent of A.'s widow, took out letters of administration to A.'s estate. It was then agreed between B. and the widow, that B. should carry on A.'s business of attorney until A.'s son should come of age, at which period the latter was to take it upon himself. B. accordingly conducted the business for the time agreed upon at his own expense, paying the widow half the profits. Upon A.'s son coming of age, B. left the concern. A.'s son afterwards becoming insolvent, one of his creditors filed a bill against B. for an account of the profits of the concern during the time it was in his hands, insisting that a sum of money was due from B. to A.'s estate in respect of the goodwill of A.'s business, and charging administration on the part of B. But Sir J. Leach, L.B., dismissed the bill, on the ground, that the goodwill of a trade of a personal nature, as that of attorney, was not a subject of administration.

And again in *Farr v. Pearce*, (3 Mad. 78), where the general question did not arise, the case being decided on the construction of the articles of agreement, Sir J. Leach said, "That if the general question had arisen, it would have been difficult to maintain, that where a partnership is formed between professional persons, as surgeons, and one dies, the other is obliged to give up his business and all the connexion, for the joint benefit of himself and the estate of his deceased partner. But where such partnerships determine, unless there be stipulations to the contrary, each must be at liberty to continue his own exertions; and where the determination is by the death of one, the right of the survivor cannot be affected. Such partnerships are very different from commercial partnerships."

*Giblett v. Read*, (9 Mod. 460), and cases of that class, *Tinkler v. Hindmarsh*, (2 Mod. 348), which are usually referred to, as shewing that goodwill is assets, are not, accurately speaking, cases of goodwill at all, but rather cases on rights to particular trade designations. In *Giblett v. Read* it was held, that a share in a newspaper should be considered as the personal property of the deceased, transmissible to his representatives, and that the profits of printing the same subsequent to his death should be distributed accordingly. In *Tinkler v. Hindmarsh* the question was, whether, the representatives of the owner of a newspaper having, by the sanction of the court, carried on the newspaper after his death, and ordered and received, in the course of such business, supplies of paper, the party who supplied such paper was entitled to be paid out of a sum partly resulting from the sale of newspapers published since the intestate's death; and the court held that he was so entitled.

In neither of these cases was the interest of the representatives of the deceased spoken of or treated as goodwill; and it is quite clear, indeed, that the interest in a newspaper is not of that character, but that it falls under the head partly of copyright, and partly of the right to trading marks or designations; so that, as decisions,

these cases do not seem to have much bearing on the subject. Lord Hardwicke let fall, it is true, in *Giblett v. Read*, a dictum, that "There were many cases in which no part of the property of a testator had been employed or made use of in carrying on the business, and yet the executor had been held accountable for the profits of the business as the testator's personal estate; as in the instance of physical secrets or nostrums, where every thing was carried on with materials purchased after the testator's death, and yet the nostrum was part of the personal estate of the testator." And his Lordship added, "That if the house of the testator were a house of great trade, the executor must account for the value of what is called goodwill."

It is singular that Lord Hardwicke should have overlooked, in his observations, that a physical secret or nostrum is as much the property of the testator, so long as the knowledge of it is kept a secret, as a manuscript or a drawing would be; and that, therefore, the instances to which he refers are, in fact, simply instances of the common rule, that profits made by the use of the testator's property are the testator's personal estate. It is remarkable also, that in the only part of his Lordship's observations in which he refers to goodwill he speaks of it in connection with the house of the deceased. All, therefore, that can be collected from the cases of *Giblett v. Read* and *Tinkler v. Hindmarsh* is, that, so far as they bear at all on the subject of goodwill, they only go the length of shewing, that, where goodwill is connected with an actual interest, independent of the person, it is assets; and they do not all establish any such broad proposition, as that every species of goodwill is assets. The limited proposition is much more clearly established by the case already referred to, *Chisum v. Dewes*, in which, as we have seen, the goodwill was held the personal assets of the mortgagee, because, in that case, it could not be disconnected from the right to the possession of the house; and by an older case, (*Worral v. Hand*, 1 Peak. 74), in which it was held, that money for which an administratrix sold the goodwill of the trade of her intestate, who was a publican, and in whose house, where the trade was carried on, the administratrix lived as tenant at will for some time before she sold the goodwill, was assets. The cases, therefore, seem to establish, firstly, that a goodwill annexed to or arising out of some interest in a house, or in some other actual property independent of the person, is assets in the hands of the personal representative; but that, as to mere goodwill attaching on the person, such as the personal goodwill of a professional business, it is not assets.

There is a considerable class of cases which are sometimes confounded with cases of goodwill. We allude to such cases as *Millington v. Fox*, (3 My. & C. 338), *Ransome v. Bentall*, (3 Law Journ. 161), and others of the same nature. These are not, properly, cases of goodwill, but of the exclusive benefit of particular designations or trade marks, a right which rests on a foundation quite distinct from that of goodwill, the former being a personal title acquired by user, and susceptible of relief in equity against all the world; the latter being a right, which, for the purpose of protection, both in equity and at law, can be, as we shall presently shew, the result only of contract, and is susceptible of equitable protection only as between the parties to the contract. Until *Millington v. Fox*, the doctrine in these cases was, that exclusive user of a particular trade designation, gave no exclusive right, in aid of which, as property, a court of equity could act. (*Knott v. Morgan*, 2 Kee. 213). But the court would interfere to protect the party having connected himself in the public mind with a particular trade designation, against a fraudulent assumption of that designation. "It is not to be said," (observed Lord Langdale, in *Knott v. Morgan*), that the plaintiffs have an exclusive right to the words 'Conveyance Company,' or 'London

Conveyance Company,' or any other words; but they have a right to call upon this court to restrain the defendants from fraudulently using precisely the same words and devices which they have taken for the purpose of distinguishing their property, and thereby depriving them of the fair profits of their business, by attracting custom on the false representation, that carriages really the defendants' belong to and are under the management of the plaintiffs." Lord Cottenham, however, in *Millington v. Fox*, appears to have overruled this doctrine, holding, that the absence of fraud on the part of the person taking and using the particular trade designation or mark acquired by another, is not a reason for withholding the protection of the court. So that it seems there may be something in the nature of a title acquired by the continued use of a particular designation or trade mark. But whether in cases of imitation of trade marks, fraud in the imitation is or not a necessary ingredient in the title to protection of the party having originally acquired the designation, this is clear, that the title to protection depends on a personal right of some kind acquired by user, and that such right, where good at all, is good against all the world. Whereas it would seem by the cases, that there cannot be any title to relief in equity in favour of the party originally creating goodwill; in other words, that goodwill, so far as regards the title to protection by injunction in equity, can only arise upon contract. All the cases in which equity has interfered to protect goodwill (*Hardy v. Martin*, 1 Cox, 261; *Bryson v. Whitehead*, 1 S. & S. 74; *Williams v. Williams*, 2 Swans. 253, cited, ante, p. 359, 360; *Whittaker v. Howe*, 3 Beav. 383, and others) have been, in fact, cases of interference in aid of specific performance, by restraining breach of the covenants intended to give effect to the contract; and keeping in view the doctrine of Lord Eldon, (referred to, ante, p. 359), and the consequences of it, it seems to follow, that until there is a contract, and such covenants in respect of goodwill as will give it effect—firstly, there cannot be a case of injunction in equity to protect goodwill; and, secondly, the relief, when grantable at all, can only be granted as against the covenanting party. This seems completely to distinguish the title to goodwill of a trade from that to the exclusive use of trade marks, and to exclude the authority of cases arising on the latter, as directly bearing on the legal incidents to the former.

### Court of Exchequer.

#### SITTINGS—MICHAELMAS TERM, 1843.

	Banc.	Nisi Prius.
Thursday .. Nov. 2	.....	.....
Friday..... 3	Peremptory paper	Midd. 1st sitting.
Saturday..... 4	.....	.....
Monday..... 6	.....	.....
Tuesday..... 7	.....	.....
Wednesday.... 8	Special paper	London 1st sitting.
Thursday..... 9	Lord Mayor sworn	.....
Friday..... 10	.....	.....
Saturday..... 11	.....	Midd. 2nd sitting.
Monday..... 13	Special paper	.....
Tuesday..... 14	Errors	.....
Wednesday.... 15	Special paper	.....
Thursday..... 16	.....	.....
Friday..... 17	.....	London 2nd sitting.
Saturday..... 18	.....	Ditto by adjournment.
Monday..... 20	Special paper	.....
Tuesday..... 21	.....	.....
Wednesday.... 22	.....	Midd. 3rd sitting.
Thursday..... 23	.....	.....
Friday..... 24	.....	.....
Saturday..... 25	.....	.....

The court will sit in Middlesex at Nisi Prius in term, by adjournment from day to day until the causes entered for the respective Middlesex Sittings are disposed of.

### London Gazette.

TUESDAY, OCTOBER 17.

#### INSOLVENT.

ROBERT JOHN DAY and SAMUEL TAYSPILL DAY  
Helsted, Essex, wine merchants and ironmongers.

#### BANKRUPTS.

WILLIAM HOLLIS FREARSON, Wood-street, Cheap side, London, and West Ham, Essex, sewing cotton manufacturer and trader, Oct. 30 and Nov. 30 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Willoughby & Co., Clifford's-inn.—Fiat dated Oct. 9.

WILLIAM DICKINSON, Abbey-hill, Bexley, Kent, an Mill-wall, Poplar, Middlesex, merchant, and Parisian bitumen manufacturer, Oct. 30 at half-past 12, and Nov. 30 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Walker & Gridley, Southampton-row, Bloomsbury-square.—Fiat dated Oct. 11.

RICHARD SHARPE, Chelmsford, Essex, draper, Oct. 21 and Nov. 14 at 11, Court of Bankruptcy, London: Off. Ass. Leckington; Sols. Sole, Aldermanbury, London.—Fiat dated Oct. 11.

JOHN WOOD, Coleman-street, and Farringdon-street, London, tobaccoist and importer of cigars, Oct. 24 at 10, and Nov. 29 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Crossby & Co., Church-court, Old Jewry.—Fiat dated Oct. 9.

ROBERT TEBBITT ABBOTT and ALFRED THWAYTES TEBBITT, Birmingham, tea dealers and coffee roasters, Nov. 1 at 12, and Nov. 25 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Mole, Birmingham.—Fiat dated Oct. 9.

ANTHONY GORDON, WILLIAM CARTWRIGHT, and JAMES BLACKETT, Manchester, machine makers, Oct. 30 at 11, and Nov. 20 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Makinson, Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Oct. 2.

#### MEETINGS.

*George Threadgold*, Finsbury-circus, and Brunswick-cot tage, City-road, Middlesex, builder, Oct. 24 at 10, Court of Bankruptcy, London, last ex.—*Wm. S. Walker*, Pall-mal East, Middlesex, pastry cook, Oct. 27 at 11, Court of Bankruptcy, London, last ex.—*John Britton*, Darington, Durham, innkeeper, Oct. 31 at 1, District Court of Bankruptcy Newcastle-upon-Tyne, last ex.—*J. Harbottle*, Amble, Northumberland, grocer, Oct. 30 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Wm. Henderson*, North Shields, Northumberland, pipe manufacturer, Nov. 3 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John Stittard*, *Henry Stittard*, and *Thomas Stittard*, Manchester, and Clithero, Lancashire, cotton spinners, Nov. 1 at 12, District Court of Bankruptcy, Manchester, last ex. *H. Stittard*.—*Henry Morgan Godwin* and *Chas. Lee*, Bishopsgate-street Within, London, ship owners, Nov. 9 at 11, Court of Bankruptcy, London, aud. ac. and div. joint and sep. est.—*John Oliver* and *John York*, Stoney Stratford, Buckinghamshire, coal masters, Nov. 10 at 12, Court of Bankruptcy, London, aud. ac. and div. joint and sep. est.—*H. A. Hobb*, St. Peter's, Isle of Thanet, Kent, machine maker, Nov. 10 at 11, Court of Bankruptcy, London, aud. ac. and div.—*Robt. Wills* and *Richard Davy*, Oxford-street, Middlesex, drapers, Nov. 10 at 2, Court of Bankruptcy, London, aud. ac. and div.—*James Kirkpatrick*, Newport, Isle of Wight, Southampton banker, Nov. 10 at 1, Court of Bankruptcy, London, aud. ac. and div.—*Edward Reynolds*, Merton, Surrey, silk and woollen printer, Nov. 7 at 11, Court of Bankruptcy, London, aud. ac. and div.—*James Vincent*, Edmonton, Middlesex, schoolmaster, Nov. 7 at 2, Court of Bankruptcy, London, aud. ac. and div.—*C. H. Griffith*, Enfield, Middlesex, draper, Nov. 9 at 1, Court of Bankruptcy, London, aud. ac.—*W. White, jun.*, Aldersgate-street, London, chemist, Nov. 7 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*T. Skinner*, Dorking, Surrey, butcher, Nov. 7 at half-past 1, Court of Bankruptcy, London, aud. ac. and div.—*R. Bull*, Cambridge, saddler, Nov. 12 at 12, Court of Bankruptcy, London, aud. ac. and div.—*Neims*, Back-hill, Hatton-garden, Middlesex, hearth-rug manufacturer, Nov. 10 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Robt. Insell*, Brighton, Sussex, com-



maker, Nov. 10 at half-past 2, Court of Bankruptcy, London, and. ac.—*Thos. L. Jones*, Wimborne Minster, Dorsetshire, surgeon, Nov. 10 at 1, Court of Bankruptcy, London, and. ac.—*Jos. R. Beer* and *Wm. H. Bastick*, St. Thomas the Apostle, Devonshire, coal merchants, Nov. 15 at 12, District Court of Bankruptcy, Exeter, and. ac.; Nov. 16 at 12, div.—*James Stoodley*, Bridport, Dorsetshire, twine manufacturer, Nov. 15 at half-past 11, District Court of Bankruptcy, Exeter, and. ac.; Nov. 16 at half-past 11, div.—*Robt. Wilkinson*, *Geo. Snowden*, and *John Fred. Lumley*, Stockton, Durham, bankers, Nov. 7 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Nov. 8 at 1, fin. div.—*Thomas Reed*, Sunderland, ship builder, Nov. 7 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Nov. 8 at 11, fin. div.—*Wm. Esley*, Manchester, shoemaker, Nov. 20 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 21 at 12, div.—*John Brown* and *Thomas B. Powell*, Stubbins, within Tottington, Lancashire, calico printers, Nov. 13 at 12, District Court of Bankruptcy, Manchester, and. ac.; Nov. 14 at 12, div.—*James Chard*, Taunton St. Mary Magdalen, corn factor, Nov. 8 at 1, District Court of Bankruptcy, Bristol, and. ac.—*John Wesley May*, Bristol, baker, Nov. 8 at 12, District Court of Bankruptcy, Bristol, and. ac.—*John Frost*, Bristol, baker, Nov. 15 at half-past 11, District Court of Bankruptcy, Bristol, and. ac.; Nov. 21 at 11, div.—*William Musgrave*, Leeds, Yorkshire, dyer, Nov. 7 at 11, District Court of Bankruptcy, Leeds, and. ac.; Nov. 9 at 11, div.—*James Wilkinson*, Dudley, Worcestershire, vice maker, Nov. 15 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.; Nov. 16 at half-past 11, div.—*Wm. Watkins*, jun., Leamington Priors, Warwickshire, wharfinger, Nov. 15 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Nov. 16 at 12, div.—*E. Messum*, Portsea, Southampton, brewer, Nov. 9 at 11, Court of Bankruptcy, London, fin. div.—*A. Winton*, *D. Winton*, and *J. Webber*, Wood-st., Cheapside, London, warehousemen, Oct. 30 at 11, Court of Bankruptcy, London, div. sep. est. *James Webber*.—*Wm. Nathan Hunt*, Watling-st., London, stationer, Nov. 9 at 11, Court of Bankruptcy, London, div.—*Jas. A. Butler*, Loddington, Northamptonshire, machine maker, Nov. 9 at half-past 11, Court of Bankruptcy, London, div.—*John Crow*, North-end, Fulham, licensed victualler, Nov. 8 at 12, Court of Bankruptcy, London, div.—*Robt. Johnston* and *Ed. R. Dawson*, Gracechurch-st., London, wholesale ironmongers, Nov. 8 at half-past 12, Court of Bankruptcy, London, fin. div.—*Jos. Higginbottom*, Ashton-under-Lyne, Lancashire, money scrivener, Nov. 8 at 11, District Court of Bankruptcy, Manchester, div.—*Jas. Ashwell*, Salford, Lancashire, grocer, Nov. 8 at 12, District Court of Bankruptcy, Manchester, div.—*Isaiah Ward*, Devizes, Wiltshire, house decorator, Nov. 10 at 1, District Court of Bankruptcy, Bristol, div.—*Samuel Jacobson*, Newcastle-upon-Tyne, picture dealer, Nov. 9 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Thomas Chappell*, Sudbury, Suffolk, licensed victualler, Nov. 7 at 12, Court of Bankruptcy, London.—*Henry Morgan Godwin* and *Chas. Lee*, Bishopsgate-street Within, London, ship owners, Nov. 10 at half-past 11, Court of Bankruptcy, London.—*Richard Littledeyke*, Brudenell-place, New North-road, Middlesex, linen draper, Nov. 9 at half-past 1, Court of Bankruptcy, London.—*Wm. White*, jun., Aldersgate-street, London, chemist, Nov. 7 at half-past 11, Court of Bankruptcy, London.—*Joseph Boyd*, Piccadilly, Middlesex, publican, Nov. 9 at 1, Court of Bankruptcy, London.—*Sam. Polak*, Newport, Monmouthshire, woollen draper, Nov. 8 at 2, Court of Bankruptcy, London.—*Thomas Lloyd Jones*, Wimborne Minster, Dorsetshire, surgeon, Nov. 10 at 1, Court of Bankruptcy, London.—*Jos. Starling*, Southampton, hatter, Nov. 7 at half-past 2, Court of Bankruptcy, London.—*Geo. Caston*, Basingstoke, Hampshire, ironmonger, Nov. 8 at 12, Court of Bankruptcy, London.—*John Frost*, Bristol, baker, Nov. 15 at 11, District Court of Bankruptcy, Bristol.—*John Wilson*, Wigton, Cumberland, draper, Nov. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Wm. Chesworth*, Newton, near Middlewich, Cheshire, brewer, Nov. 8 at 12, District Court of Bankruptcy, Liverpool.—*Thomas Lampugh*, Great Driffield, Yorkshire, grocer, Nov. 7 at 11, District Court of Bankruptcy, Leeds.—*George Parsons*, Long Sutton, Lincolnshire, surgeon, Nov. 8 at 12, District Court of Bankruptcy,

Birmingham.—*Wm. Burton*, Great Glenn, Leicestershire, carrier, Nov. 13 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 7.*

*John Barnes*, Commercial-place, Commercial-road, Middlesex, engineer.—*Robert Archer*, Queen-street, London, wine merchant.—*John Dewes* and *Richard Dewe*, Oxford, booksellers.—*Henry A. Hobbs*, St. Peter's, Isle of Thanet, Kent, machine maker.—*Thos. P. Chalk*, Linton, Cambridgeshire, draper.—*Mat. Nelms*, Back-hill, Hatton-garden, Middlesex, hearth-rug manufacturer.—*Ed. Eardley*, Exeter, china dealer.—*Wm. A. Bradford*, Long-acre, Middlesex, cheesemonger.—*Joseph Masters*, jun., Witney, Oxfordshire, innkeeper.—*Eliz. Style*, Windsor, Berkshire, bookseller.—*Mary Buchannan*, Shere, near Guilford, Surrey, brewer.

#### FIATS ANNULLED.

*Charles Clark*, Tower-street, Westminster-road, Surrey, baker.—*Alfred Campbell Cooper*, Evesham, Worcestershire, draper.

#### PARTNERSHIP DISSOLVED.

*John Richards*, jun., and *Edward Henry Bramah*, New Bridge-street, Blackfriars, London, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Daniel Ferguson Duncan*, Glasgow, engraver.—*Walter Guy*, Paisley, cooper.—*James Coultis*, Dundee, wright.—*Dougal M. Millan*, Helmsdale, Sutherlandshire, wood merchant.—*P. Campbell*, Edinburgh, tavern keeper.—*John Hannay*, Dalquhain, Irongray, Kirkcudbright, farmer.—*William Pollock*, Glasgow, writer.

#### DECLARATIONS OF INSOLVENCY.

*Wm. Millican*, Cannon-st., London, foreman to a tailor.  
*Edwin Burt*, Cheltenham, Gloucestershire, coal merchant.  
*James Freebury*, Stroud, Gloucestershire, engraver.  
*John Tozer*, Exeter, farrier.  
*W. Binns*, Donnington-wood, Lilleshall, Shropshire, engineer.  
*John Longbottom*, Wilsden, Bradford, Yorkshire, cotton warp dealer.  
*Wm. Collett*, Great Cambridge-st., Hackney-road, Shoreditch, clerk in the Accountant-General's Office in the General Post-office, St. Martin's-le-Grand.  
*Hen. Thos. Barker*, Clifford-st., Bond-st., Hanover-square, doctor of medicine.  
*Barnett Barnett*, Crown-street, Walworth-road, Newington, dealer in clothes.  
*Richard Parkin*, Liverpool, pavior.  
*Isaac Lomas*, Sheffield, Yorkshire, grocer.  
*R. S. Mannings*, Walcot, Bath, Somersetshire, coal merchant.  
*Thos. Anslow*, Shrewsbury, Shropshire, upholsterer.  
*Sophia Dixon*, Broadley-terrace, Blandford-sq., St. Mary-le-bone, assistant to a cheesemonger.  
*Sam. Knight*, Windmill-st., St. Pancras, Middlesex, smith.  
*Henry Russell*, Lower Belgrave-pl., Pimlico, baker.  
*John W. Nicolson*, Jewin-crescent, Aldersgate-st., Cripple-gate, London, town traveller.  
*John Last*, Lansdown-cottages, London-fields, Hackney, Middlesex, clerk in a government office.  
*Thos. Attwood*, Green-walk, Holland-st., Blackfriars-road, Surrey, attorney's clerk.  
*Wm. Horatio Johnson*, High-st., Camden-town, Middlesex, chinaman.  
*Thomas Bennett*, Upper Market, Norwich, upholsterer.

#### INSOLVENT DEBTORS.

*Saturday, Oct. 14.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Saunders Climo*, St. Pinnock, Cornwall, yeoman, No. 62,885 C.; *Hen. Burton*, assignee.—*Henry Dearlove*, Great Mary-le-bone-street, Middlesex, dairyman, No. 55,663 T.; *Geo. Thorpe*, assignee.—*Dan. Dunsnett*, Shipdham, Norfolk, blacksmith, No. 39,064 C.; *Jas. R. Ray*, assignee.—*Henry Wm. Forcade*, Upper Stamford-st., Waterloo-road, Lambeth, Surrey, clerk in the Tithe Commission Office, Somerset-house, No. 55,531 T.; *Hen. Rogers*, assignee.—*Christopher Daniel*, Thirake, Yorkshire, and Coventry-street, Piccadilly, Middlesex, carrier, No. 55,340 T.; *Thos. Archer*, assignee.—*John White*, Dorking, Surrey, painter, No. 55,497 T.; *John Brown* and *Samuel Bothwell*, assignees.—*John William Headington*,



Richmond, Surrey, tailor, No. 55,549 T.; Thomas Capps, assignee.—*Wm. Thomas Stephens*, St. George's-circus, Blackfriars-road, Surrey, unemployed, No. 55,608 T.; *Wm. Anley*, assignee.—*Thomas Woolcott*, Rawstorne-street, Clerkenwell, Middlesex, carpenter, No. 55,563 T.; *Edward Shepherd*, assignee.—*Isaac H. Behenna*, Jermyn-st., St. James's, Westminster, lamp manufacturer, No. 54,447 T.; *Joel Walker*, assignee.—*Jas. C. Webber*, Lichfield-st. and West-st., Soho, Middlesex, saddler, No. 54,966 T.; *John Simpson*, assignee.—*Nich. Strong*, Exeter, out of business, No. 62,189 C.; *Jos. Shepherd* and *Wm. Richards*, assignees.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Nov. 7 at 9.*

*Wm. Lindquist*, Strand, Middlesex, second officer on board the East India Company's steam frigate Akbar.—*J. Brougham*, King-st., Regent-st., Middlesex, tailor.—*Job Bennet Clarke*, Kingston, coast guard station lieutenant.—*John Auger*, sen., Kent-street, Walworth, Surrey, carpenter.—*Hector D. Clark*, Bostock-street, Old Gravel-lane, Wapping, Middlesex, soap maker.—*Richard Jas. Beckley*, Cambridge-heath, Hackney, Middlesex, out of business.—*George Shirley*, Charlton-street, Somers'-town, Middlesex, coach maker.—*Samuel Ransom*, Crooked Billet-court, Moorfields, Middlesex, boot maker.—*Sir Hugh Evelyn*, Bart., Melma-place, Westminster-road, Surrey, no business.—*Geo. Padmore*, Church-st., Edgeware-road, Middlesex, out of business.—*John Hodgson*, Commercial-place, Stepney, Middlesex, attorney at law.—*Ebenezer Jacob*, Portland-place, Borough, Surrey, gentleman.

*Adjourned.*

*Chas. Edward Gadderer*, Craven-street, Strand, Middlesex, occasional dealer in wines.

*Nov. 9, at the same hour and place.*

*Mildred Thorne*, Mount-street, Whitechapel, Middlesex, lodging-house keeper.—*Stephen Croker*, James-place, Lark-hall-lane, Clapham, Surrey, pork butcher.—*Martha Child*, Upper Richmond-road, Putney, Surrey, gardener.—*Hezekiah Denby Cogges*, Brixton, Surrey, warehouseman.—*John Jas. Messer*, Westmoreland-place, City-road, Middlesex, out of business.—*James Rich. Hankinson*, Belgrave-row, Finsbury, Middlesex, confectioner.—*Jas. Edw. Mivart*, jun., Victoria-terrace, Bridge-road, Hammersmith, Middlesex, gentleman.—*Wm. Middleton*, Globe-road, Bethnal-green, Middlesex, bricklayer.—*Thos. Flower*, Chester-street, Kennington, Surrey, gentleman's coachman.—*Benj. Emery*, Gray's-ian-lane, Middlesex, clerk to a builder.—*Jas. Crabb*, Henry-street, Portland-town, St. John's-wood, Middlesex, shoe maker.—*Chas. Vincent*, Calistano, Seymour-crescent, Euston-square, Middlesex, gentleman.

*Court-house, MAIDSTONE, Kent, Oct. 27 at 10.*

*Rob. Fraser*, Gravesend, Kent, appraiser.

*Court-house, DURHAM, (County), Nov. 7 at 10.*

*Christopher Scrafton*, Cotherstone, Yorkshire, grocer.—*J. Mason*, jun., Hylton-ferry, out of business.—*Rob. Thompson*, Bishop Auckland, chemist.—*Wm. Atkinson*, Ferry-hill, saddler.—*Rob. Field*, Seaham-harbour, grocer.—*Christopher Wetherell*, Kelloe, shoe maker.—*Bartholomew Dowell*, Bishop Wearmouth, builder.—*Geo. Robinson*, Darlington, cabinet maker.—*P. Worthy Watson*, Darlington, cabinet maker.—*Nicholas Mould*, Hetton-le-Hole, chemist.—*Wm. Waters*, North Hylton, sawyer.—*Ralph Ford Thompson*, Cotherstone, Yorkshire, farm servant.—*Eliz. Walker*, Darlington, out of business.—*Margaret Lewis*, Gilesgate, baker.—*Thos. Bowfield*, Old Washington, pitman.—*George Wilkie*, Hetton-le-Hole, publican.—*John Thornton*, Middleton-lane-row, countryman.—*Rich. Robinson*, Stockton-upon-Tees, smith.—*T. Cook*, Sunderland, bellhanger.—*John Thompson*, Darlington, seedsman.—*Nancy Thompson*, Middleton, in Teesdale, butcher.—*Matthew Watson*, Newcastle-upon-Tyne, hair manufacturer.—*Rob. Brown*, Sunderland, upholsterer.—*William Robson*, Brancepeth, butler.

*Court-house, BRISTOL, Nov. 8 at 10.*

*Geo. Alfred Peacock*, Bristol, fishmonger.—*Isaac Fudge*, Bristol, retailer of beer.—*W. Dewfall*, Bristol, baker.—*Edm. Leaver*, Bristol, boot maker.—*Roger Davis*, Bristol, out of business.—*Thos. Cheese Davies*, Bristol, out of business.—*R. Chapman*, Bristol, accountant.—*Zachariah Huggins*, Upper Euston St. George, Gloucestershire, horse dealer.—*William Jenkins*, Bristol, cabinet maker.—*Wm. Weeks*, Bristol, furrier.—*Job Hipwell*, Bristol, manufacturer of hosiery.—*Geo. Savage*, Bristol, out of business.—*Herns Leon*, Tredegar,

Monmouthshire, cigar dealer.—*John Marshall*, Bristol, dealer in milk.—*Sam. Hill*, Bristol, tailor.—*Sam. Brodrick*, Bristol, commercial traveller.—*Wm. Pooock Townsend*, Gloucester, accountant.—*Joseph Reeve*, Bristol, butcher.—*Edna Gillard*, Bristol, wheelwright.—*Wm. Silk*, Bristol, out of business.—*Thos. Greed*, Bristol, painter.—*Jas. Beer*, Bristol, mariner.—*Wm. Thomas*, Newport, Monmouthshire, coal merchant.—*W. Hopkinson*, Bristol, soda water manufacturer.

*Court-house, HUNTINGDON, (County), Nov. 8 at 10.*

*Sam. Beard*, sen., Ramsey, carrier.

*Court-house, NEWCASTLE-UPON-TYNE, (Northumberland), Nov. 9 at 10.*

*Nich. Ridley*, Hoerd Lee, near Falstone, farmer.—*John Breckons*, Bellingham, common carrier.—*Wm. Gladson*, Newcastle-upon-Tyne, hair dresser.—*James Hogg*, Newcastle-upon-Tyne, seedsman.—*Jas. Hornby*, Newcastle-upon-Tyne, administrator of Joseph Hornsby.—*Wm. Selby*, Newcastle-upon-Tyne, cordwainer.—*Wm. Gilchrist*, Newcastle-upon-Tyne, fisherman.—*Jonathan Miller*, Gateshead, Durham, chain maker.—*Geo. Robson*, Gateshead, Durham, chain master.—*Alex. Joel*, Newcastle-upon-Tyne, engraver.—*S. Reay*, Newcastle, teacher of music.—*J. Cook*, Gateshead, Durham, labourer.—*Jos. Smith*, Newcastle-upon-Tyne, steward on board the steam vessel Twilight.—*Wm. Henderson*, Gateshead, Durham, chain maker.—*George Inwood*, Newcastle-upon-Tyne, victualler.—*John Dougall Bambrugh*, Newcastle-upon-Tyne, clerk to a potato merchant.—*Thos. Dodds*, jun., Newcastle-upon-Tyne, miller.—*Thos. Wallace*, Newcastle-upon-Tyne, machine maker.—*John Irving*, Newcastle-upon-Tyne, woollen draper.—*Jas. Willan*, Darlington, Durham, carrier's agent.—*Joseph Wilson*, Newcastle-upon-Tyne, printer.—*Christopher Forster*, Newcastle-upon-Tyne, saddler.—*Arthur Shanks*, Newcastle-upon-Tyne, innkeeper.

**INSOLVENT DEBTOR'S DIVIDEND.**

*Thomas Kibble*, Asylum-buildings, Westminster-road, Surrey, Oct. 18, Manning's, 2, Dyer's-buildings, Holborn: 6jd. in the pound.

**MEETINGS.**

*Wm. Burgess*, Market Drayton, Shropshire, surgeon, Oct. 27 at 11, Cliffe's, Wyburnbury, ch. ass.—*Louisa Bowes Morgan*, Carmarthen, ap. ass., Nov. 6 at 12, Jones's Carmarthen, ap. ass.

**FRIDAY, OCTOBER 20.**

**BANKRUPTS.**

**EPHRAIM BRAIN**, Rodney-street, Pentonville, Middlesex, steel and copper-plate printer, Nov. 2 at half-past 12, and Nov. 30 at half-past 1, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Harrisons, Walbrook.—Fiat dated Oct. 18.

**JOHN WHIPPLE**, Crown-street, Finsbury, Middlesex, stay manufacturer, Oct. 26 at half-past 2, and Dec. 5 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Cox, Finsers'-hall.—Fiat dated Sept. 25.

**JAMES GRAHAM WEST**, High-st., Wandsworth, Surrey, grocer and cheesemonger, Oct. 26 at 3, and Nov. 29 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Arrowsmith, Devonshire-street, Queen-square.—Fiat dated Oct. 10.

**WILLIAM MILLS**, Birmingham, upholsterer, Nov. 2 at half-past 11, and Dec. 1 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Snelling, Birmingham; Sole & Sole, Aldermanbury, London.—Fiat dated Oct. 11.

**JAMES BOURNE**, Benmersley, Norton-in-the-Moors, Staffordshire, printer, Nov. 2 at 12, and Nov. 27 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Twigg, Burslem, Staffordshire; Smith, Birmingham.—Fiat dated Oct. 16.

**MEETINGS.**

*Francis M. Luckman*, Broughton, Manchester, and Liverpool, linen draper, Nov. 1 at 11, District Court of Bankruptcy, Manchester, last ex.—*Jas. Wood*, Heathfields, within Saddleworth, Yorkshire, woollen manufacturer, Nov. 9 at 12, District Court of Bankruptcy, Manchester, last ex.—*Charles Pearsall*, Anderton, Cheshire, boiler maker, Nov. 2 at 12, District Court of Bankruptcy, Manchester, last ex.—*J. Allen*, Alfreton, Derbyshire, innkeeper, Nov. 1 at 12, District Court of Bankruptcy, Manchester, last ex.—*Andrew Cunningham*,

Bolton, Lancashire, provision dealer, Nov. 8 at 1, District Court of Bankruptcy, Manchester, last ex.—*Thomas Price*, Liverpool, baker, Oct. 31 at half-past 1, District Court of Bankruptcy, Liverpool, last ex.—*George Bloor*, Wharf-road, City-road, Middlesex, coal merchant, Nov. 23 at 12, Court of Bankruptcy, London, and ac.—*John Barnes*, Commercial-place, Commercial-road, Middlesex, engineer, Nov. 23 at 11, Court of Bankruptcy, London, and ac.—*Thos. Joe. Clarke*, Billingsgate, London, victualler, Nov. 16 at 11, Court of Bankruptcy, London, and ac.—*H. Coismen*, Norwich, draper, Nov. 10 at 11, Court of Bankruptcy, London, and ac.—*H. Mason*, Calver, Derbyshire, cotton spinner, Nov. 13 at 12, District Court of Bankruptcy, Manchester, and ac.; Nov. 14 at 1, div.—*T. Hobson*, Carlisle, Cumberland, mercer, Nov. 13 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*Rich. Newhouse*, Huddersfield, Yorkshire, plumber, Nov. 8 at 11, District Court of Bankruptcy, Leeds, and ac.—*Robert Insell*, Brighton, Sussex, coach maker, Nov. 16 at half-past 2, Court of Bankruptcy, London, div.—*Alfred Stoecken* and *Wm. Utton*, Halkin-street, Belgrave-square, Middlesex, coach makers, Nov. 15 at half-past 12, Court of Bankruptcy, London, div.—*Victor Jay*, Castle-lane, Southwark-bridge-road, Surrey, silk-hat manufacturer, Nov. 15 at 3, Court of Bankruptcy, London, div.—*G. Coston*, Basingstoke, Hampshire, ironmonger, Nov. 15 at 1, Court of Bankruptcy, London, div.—*Wm. Harrington*, jun., High-street, Aldgate, London, linen draper, Nov. 15 at 12, Court of Bankruptcy, London, div.—*Wm. Chapman* and *C. M. Woodyer*, Hope-wharf, Wapping, Middlesex, coal merchants, Nov. 10 at 12, Court of Bankruptcy, London, fin. div. joint and sep. est.—*Joseph Hudson*, Bishopsgate-street, and Ironmonger-lane, London, linen draper, Nov. 11 at 11, Court of Bankruptcy, London, fin. div.—*Salomon Salomonson*, Threadneedle-street, London, merchant, Nov. 10 at half-past 11, Court of Bankruptcy, London, fin. div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*John Hear*, Oxford, ironmonger, Nov. 11 at half-past 12, Court of Bankruptcy, London.—*Victor Jay*, Castle-lane, Southwark-bridge-road, silk-hat manufacturer, Nov. 14 at 12, Court of Bankruptcy, London.—*W. Redhead*, jun., Lime-st., London, ship and insurance broker, Nov. 14 at half-past 12, Court of Bankruptcy, London.—*John Holland*, Skinner's-st., Somers'-town, Middlesex, cheesemonger, Nov. 14 at half-past 12, Court of Bankruptcy, London.—*Henry Yeatman*, Leach-lane, Gloucestershire, chemist, Nov. 15 at 12, District Court of Bankruptcy, Bristol.—*John Rutter*, Stockton-upon-Tees, Durham, grocer, Nov. 13 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*John Knight*, Preston and Lancaster, Lancashire, mercer, Nov. 13 at 12, District Court of Bankruptcy, Manchester.—*John Lythgoe*, Liverpool, cooper, Nov. 15 at half-past 12, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 10.

*Gaskill Johnson*, Liverpool, merchant.—*Jas. T. Bradley*, Leeds, ironmonger.—*George Lockwood*, Wakefield, Yorkshire, and St. John's, New Brunswick, North America, linen and woollen draper.—*Wm. Claringbold*, St. Alban's, Hertfordshire, innkeeper.—*Matthew W. Vardy*, Newbury, Berkshire, bookseller.

## FRATS ANNULLED.

*Andrew Cunningham*, Bolton, Lancashire, provision dealer.—*Geo. Barton*, Ashton-under-Lyne, Lancashire, brink maker.

## PARTNERSHIP DISSOLVED.

*Thos. B. Mason* and *John Collinson*, Doncaster, Yorkshire, attorneys at law, solicitors, and conveyancers.

## SCOTCH SEQUESTRATION.

*Thomas Hamilton*, Kirkgate, Leith, spirit merchant.

## DECLARATIONS OF INSOLVENCY.

*George Dutton*, Leeds, Yorkshire, dealer in fruit.

*Lazarus Broadhurst*, Sheffield, Yorkshire, paper case and ink-stand manufacturer.

*John Baddow*, Manchester, salesman.

*Wm. Kington*, Leamington Priors, Warwickshire, attorney.

*Edward Morris*, Cambridge, schoolmaster.

*George Bale*, Norwich, saddler.

*Wm. Barley*, Earl's-common, Himplston, Worcestershire, carpenter.

*John Robinson*, Rotherham, Yorkshire, retailer of beer.

*Wm. Grant*, Kidderminster, Worcestershire, dealer in Irish linen.

*John Beard Oram*, West-square, Southwark, Surrey, clerk to a wine merchant.

*Rich. Eston*, Hulme, Manchester, dealer in cotton waste.

*Thos. Travis*, Stockport, Cheshire, hat manufacturer.

*John Clarke*, Lucas-st., Commercial-road, St. George's in the East, Middlesex, wine cooper.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Nov. 10 at 9.

*Jas. Anderson*, sen., Villiers-st., Strand, Middlesex, hay salesman.—*Thos. Harold*, West-place, Islington-green, Middlesex, builder.—*Wm. Shepherd*, Dorvil's-row, Hammer-smith, retailer of beer.—*Stephen Robert Sexton*, High-street, Wandsworth, Surrey, shopman to a linen draper.—*J. Campbell*, Newmarket-terrace, Cambridge-heath, Bethnal-green, Middlesex, tobacconist.—*C. Boisson*, Munster-st., Regent's-park, out of business.—*John Cooney*, Surrey-place, Cow-lane, Lower Queen-st., Rotherhithe, Surrey, sawyer.—*Ferd. M. Watkins*, Somers'-town-terrace, Somers'-town, Middlesex, teacher of music.—*W. Townley*, Little James-street, Bedford-row, Middlesex, agent to a coach manufacturer.—*W. Willmott*, sen., Buttesland-st., East-road, Hoxton New-town, Middlesex, commission agent.—*Charles Dickinson*, Church-street, Lower Edmonston, Middlesex, general shopkeeper.—*Ralph Wing*, Gedge-street, Tottenham-court-road, Middlesex, butcher.

Court-house, YORK, (City), Nov. 2 at 10.

*Chas. Spink*, Walmgate, out of employment.

Court-house, NEWCASTLE-UPON-TYNE, Nov. 9 at 10.

*Henry Ingo*, Byker's-buildings, mariner.

Court-house, HUNTINGDON, (County), Nov. 8 at 10.

*W. Crutchfield Sharpe*, St. Neot's, chemist.

Court-house, BATH, Nov. 11 at 10.

*James Pope*, Bath, shoe maker.—*Wm. Willis*, Walcot, gardener.—*Geo. Bishop*, Bathaston, out of business.—*Wm. Dudley*, Bath, baker.—*Rich. Rowland*, Lyncombe and Widcombe, tailor.—*W. Coles Candy*, Bath, butcher.—*Wm. Jas. West*, Bath, baker.

Court-house, CARLISLE, Cumberland, Nov. 13 at 10.

*Abraham Young Dean*, Botchergate, grocer.—*Jos. Postlethwaite*, Crosthwaite, blacksmith.—*David Nicholson*, Keswick, out of business.—*J. Brough*, Cockermouth, out of business.—*E. Riison*, Workington, spinster.—*Stephen Rayson*, Carlisle, out of business.—*Mary Russell*, Wigton, out of business.—*Ann Dale*, Whitehaven, out of business.—*J. Graham*, Kirklington, labourer.—*John Blaylock Robinson*, Stanwix, out of business.

Court-house, LINCOLN, (County), Nov. 13 at 10.

*Thos. Squier*, Godney Drive-end, bricklayer.—*Jas. Barr*, Sibey, miller.—*Thos. Newton*, Heighington, agricultural labourer.—*Rich. Kemp*, Langton, out of business.—*S. Clapham*, Grainthorpe, tailor.—*John Fell*, North Somercotes, agricultural labourer.—*Chas. Palmer*, North St. Mary's-gate, Great Grimsby, hair dresser.—*James Chapman*, Tealby, mole catcher.—*Wm. Cooke*, Leake, agricultural labourer.—*Redmond Morris*, Tydd St. Mary's, Long Sutton, surgeon.

Court-house, HORSHAM, Sussex, Nov. 13 at 10.

*John Dadd*, Brighton, out of business.—*G. Boxall*, Ledsworth, sawyer.—*Frank Thos. Gardner*, Steadham, near Midhurst, miller.—*John Herriott*, Chaulley, labourer.—*J. Stapley*, Burwash, farmer.—*Jas. Coater*, Lewes, clerk to a builder.—*Stephen Boxall*, Ledsworth, sawyer.—*John Harber*, Little London, Chichester, hoop maker.—*Thos. Bryant Butcher*, Cuckfield, general-shop keeper.—*Jas. Puttock*, Billingshurst, felmonger.

## INSOLVENT DEBTORS' DIVIDENDS.

*John Williams*, Toxteth-park, Liverpool, builder, Thompson's, Liverpool: 2s. 10d. in the pound.—*Edmund Taylor*, Milnrow, near Rochdale, flannel manufacturer, Heaton's, Rochdale: 11d. in the pound.—*Henry Nath. Frost*, Woodstock-st., Bond-st., patent range maker, Goren's, South Molton-street: 2s. 2½d. in the pound.—*Chas. Hellyer*, purser in the Royal Navy, Stigant's, Portsea: 1s. 1d. in the pound.

## MEETING.

*Jos. Coffey*, Cheltenham, Gloucestershire, out of business, Nov. 7 at 12, Hildyard's, Farnival's-inn, sp. aff.

## SANDERS ON USES AND TRUSTS.

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# The Jurist

No. 355.

LONDON, OCTOBER 28, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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## NOTICE TO CORRESPONDENTS.

*We have received several letters complaining of the delay in issuing the Cause Papers of the respective Equity Courts, and the inconvenience the Profession generally are put to, by being kept in ignorance of the position of their causes till a few days only before term. We should think there cannot be any necessity for subjecting the Profession to this inconvenience, and that if an application were made to the heads of the Registrar's Office, or, if they have no authority, to one of the Equity Judges, a remedy would be speedily applied.*

LONDON, OCTOBER 28, 1843.

Is a book recently put forth by Mr. Goldsmith\*, called "The English Bar, or Guide to the Inns of Court," the question is mooted, whether the ample, or rather the supposed ample, funds of the Inns of Court might not be employed in part in carrying into effect some organised system of legal education for the Bar. The author, after giving some very amusing extracts from Stow, Dugdale, Whitlock, and others, descriptive of the mode in which the solemn readings of the olden time of the lawyers were conducted—descriptions which, it may be observed on passant, shew that the sages of the law in those days played the fool in a most extraordinary manner—after, we say, giving such extracts, Mr. Goldsmith proceeds in the following words:—

"The days of feasting, Christmas revels, masks, and solemn brawls, which were kept up with such a princely magnificence in these seats of legal education, have now passed away; seldom or never are these venerable halls now visited by royalty. The banquetings of ancient times have degenerated into mere grand dinners and comparative sobriety; the indication of a better era takes the place of rioting and wild excesses, while the creation of a serjeant-at-law causes no more excitement in the court than what is generally

experienced on those occasions when an extra bottle of wine is allowed to each mess of students who may happen on that day to dine in the hall of the society to which the learned serjeant belongs.

"But, in levelling the abuses of the former system, the great mischief which time has produced, is, the abandonment of the wholesome regulations and discipline of the antient exercises, mootings, and readings, without adopting any other mode of examination as a substitute, to prove a member's fitness for the legal profession, inasmuch that the complaint uttered by Roger North in this particular, which we have before quoted, is well worthy of notice; and this, it may be said, arises from the voluntary and generally supposed irresponsible character of these societies, being subjected to no control but their own, and forming in themselves respectively a domestic forum. The student for the Bar must now go through an expensive course of education by passing a considerable time in the chambers of a special pleader, an equity draftsman, or conveyancer, to qualify himself according to the particular courts, whether of law or equity, in which he intends to practise. It is true, that those public lectures and disputations, which began to decline towards the end of the seventeenth century, were better calculated in the earlier days of our legal institutions to form a legal education, when the limited number of books rendered a course of solitary study at chambers both difficult and uninteresting, yet the facilities which now surround the legal student do not appear to afford sufficient reason for dispensing altogether with an examination as to fitness prior to being admitted to the Bar; for, however incompatible and inconvenient a revival of the ancient course of readings, mootings, and public examinations, with all their cumbrous and expensive train of ceremonies, might prove in more modern times, that circumstance does not exclude the propriety, or even the expediency, of any exercises whatever, or a certain test of

\* The author of a well-executed little Essay on the Doctrine of Equity, noticed 6 Jur. p. 83.

qualification. If, as we have already seen, vast revenues have from time to time been vested in the hands of those societies by royal grant and private bounty, for the purpose of furnishing members and students who resort thither with the best and readiest means of acquiring that knowledge and aptitude essential to their profession as advocates, it must be obvious to every person who bestows any attention upon the subject, that either the vast revenues of our inns of court, which have for ages been accumulating, have been diverted from the original design of these institutions and the evident intention of the successive benefactors, whose bounty it was that first gave them existence, or they are still being hoarded up without any wholesome application. It is true, these institutions may be, as declared by Lord Mansfield, voluntary societies, and not chartered corporations, yet, as they have established themselves for a certain purpose, and have been receiving from time to time the most ample funds in order that they may carry out that specific purpose, it appears somewhat strange, that, notwithstanding their voluntary establishment, there should be no controlling power in regard to the due appropriation of those benefits in accordance with the design for which they were given, and no remedy in case of an abuse. If the heads of these houses have become the voluntary depositories of various grants made for the purpose of being applied in a certain manner, and for the benefit of a particular class of persons, there is an implied understanding on the part of those to whom those grants are made, that they will apply them accordingly; and thus, without the aid of much sophistry, but upon simple reasoning deducible from the principles of our courts of equity, there seems to have existed, co-extensively with the original establishment of the seminaries themselves to the present time, the relation of trustees and cestui que trusts between the benchers and students of these respective societies. This proposition being established, the right of controlling the application of this trust property, or, in case of misapplication, of directing it again to flow into its proper channel, would vest either in the Lord Chancellor or in the Judges of the other courts, to whose control as visitors the inns of court are subjected, and to which the benchers themselves have always professed to submit. If the ancient regime be found incompatible with modern usages, and the system of discipline inconvenient and ill adapted to meet the requirements of a more refined era, they can afford but little excuse for abandoning all attempts to enforce a proper and wholesome course of study, and with suitable examinations to insure a due knowledge of jurisprudence before admission to the bar. In all cases of charitable institutions, where, from lapse of time and change of circumstances, the donor's bounty cannot be carried out in pursuance with his original design, the charity is not permitted altogether to cease, but a scheme is directed by the Court of Chancery to be approved of, which shall perpetuate the charity in accordance with modern usages, and at the same time approximating as nearly as possible to the donor's intention. The failure of the particular purpose will not therefore destroy the charity, but the law will substitute another mode, keeping in view the general intention. The lands formerly granted to our legal colleges by the Crown, as

well as those that have been given by private benefactors, were, as we have seen, intended to be appropriated for the general benefit of those societies, and for the express purpose of so educating students in the science of jurisprudence, as to render them a benefit to their country, and give them an opportunity of becoming at least respectable members of their profession. It will scarcely be imagined, therefore, that the shades of departed kings and other benefactors to these ancient halls, who once delighted in the subtle disputations and knotty arguments that characterized the ancient readings, would now rise up against the modern heads of these societies, if they now were to adopt a scheme of legal education fitted to the notions of modern times, although unaccompanied with the gorgeous pageant, the solemn brawl, the joyous feasting, and deep carousing that were wont to follow in the train of public readings in former days.\*

There is much in Mr. Goldsmith's argument that is apparently sound, but, on the other hand, the objections to carrying into effect any organised system of educational discipline for students for the Bar, seem almost insurmountable. The benchers of the inns of court have, we believe, in theory, the power to make nearly any conditions they think fit, not only for admission of students as members, but for their call to the Bar. But this supposed absolute power rests upon the almost total ignorance of every body of its origin and actual extent. Further, it is quite clear, that, though conceded, or at least acquiesced in, both by Parliament, by the Judges, and by the public, so long as its exercise is restrained within the bounds which appear to have been in practice not exceeded for ages, it is scarcely to be doubted, that, if stretched a little further, whether for good or for evil, the prerogative of the heads of what Mr. Goldsmith terms our legal colleges, would be quickly exposed to rude inquiries, and perhaps still ruder shocks. There is, therefore, good reason why the benchers of the inns of court should not attempt to force upon students any hitherto unused studies or course of education. And the result of the attempt made by the benchers of the Inner Temple some years ago, to attract the voluntary attendance of its students upon really learned lectures, does not give much encouragement to the benchers of any other inn to set on foot a similar course of instruction\*.

But, in truth, it may be questioned, whether at this day any compulsory course of education, or preliminary examination, before permitting a call to the Bar, would be productive of the benefits that seem to be anticipated. Before any man can be qualified for practice, he requires so great a quantity, not only of legal knowledge obtainable from books, but of that species of knowledge which is only to be acquired by attendance in the courts, and the gradual introduction to the transaction of business, that any examination before admission to the Bar, as a test of qualification for business, would be quite ridiculous. The most wholesome course of study for men studying for the Bar, in the present system of

\* We were ourselves among the few regular attendants on the very learned readings of Mr. Austen and Mr. Starkie, who never numbered much more than twenty hearers, out of a body of at least 100 students, and who, we believe, only gave up their attendance as readers, when it became evident that the lectures would have soon to be addressed to bare walls and empty benches.

division of forensic labour, is, that which is pursued under the dictation of the student's means and predilections, in the chambers of a preceptor during his pupilage and in court, and in the laborious transaction of the little business that is intrusted to him, for a few years after his call; and the truest, and perhaps only sound test of his qualifications as a man of business, is the confidence which the gradual exhibition of learning, and of the power of practically applying it, excites in the minds of suitors.

Many things might be done, no doubt, out of the abundance of the treasures possessed by the four learned societies (if there be in fact any such abundance) conducive to the advancement of legal knowledge, and to the facilitation of the progress of zealous but obscure students; but any attempts at enforcing any quasi collegiate discipline or system of study would have, we apprehend, either no results at all, or mischievous ones.

### ARREARS OF BUSINESS IN THE COMMON LAW COURTS.

Michaelmas Term commences on Thursday next, when the several courts of law will resume their sittings. The arrear of business is considerable, especially in the Court of Queen's Bench. In that court there are eighty-three rules for new trials now pending for argument, the first of which was moved in Michaelmas Term, 1842. These will be considerably increased by motions arising from causes tried during the vacation and the Summer Assizes. In the "peremptory paper," or "list of enlarged rules," the list relating to various points of practice, &c., there are forty-one cases standing for argument, and six in the "Crown paper," to be heard on Wednesday, the 8th November. The special paper contains a list of thirty-three special cases, demurrers, &c., which will also be materially increased during the term.

In the Court of Common Pleas there are five enlarged rules on points of practice standing for hearing, and one on which the court have taken time to consider. The new trial list presents only four cases, and the special paper but two cases for argument. The business of this court will be much increased, it is presumed, from the appeal cases under the Registration Act of last session, sect. 61 of which enacts, that appeals from the decision of any revising barrister shall be heard by the Court of Common Pleas.

In the Court of Exchequer there are four rules for new trial, one of which stands for judgment, and three to be argued. The peremptory list contains five cases to be heard on the sitting of the court on Friday next. In the special paper there are eight cases, some of which have been partly heard.

The arrears of business in the three courts amount in number to 189. The arrears are not so numerous as before the passing of Lord Denman's Act, enabling the judges to take business out of term, which was formerly heard only in term.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: William Edward Burton, of Manchester. *Ireland*: John Bates, of Belfast. *Scotland*: Alexander Prie Henderson, of Paisley; John Anthony Macrae, of Edinburgh.

### Court Papers.

#### CAUSE LISTS.—MICHAELMAS TERM, 6 VINT.

#### Rolls Court.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C. Costs*—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C.* Pro Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S. O.* Stand Over—*SA.* Short.

#### JUDGMENTS.

Marquis of Hertford v. Lord Lowther (E)  
Vandelaar v. Blagrove

#### PLEAS AND DEMURRERS.

Reed v. O'Brien (D of def. O'Brien)  
Reed v. O'Brien (D of def. Sir Matthew Tierney, Bart.)

#### CAUSES.

James v. James }  
Ditto v. Ditto }  
Ditto v. Ditto }  
Lumsden v. Morrison  
Jackson v. Jackson

Green v. Badley { (F D, C.  
Ditto v. Thompson { Rep. by  
order)

Walton v. Potter  
Christian v. Foster (F D, C)  
Att.-Gen. v. Potter (F D, C)

Howard v. Prince }  
Ditto v. Stapleton }  
Matthews v. Miller }

Ditto v. Winklow }  
Powell v. Wright }  
Ditto v. Dexter }

Ditto v. Lawson }  
Bonser v. Cox (F D, C)  
Netherwood v. Carr

Flower v. Hartopp (F D, C)  
Golding v. Castle  
Young v. English }

Ditto v. Graham }  
Smith v. Payne }  
Ditto v. Ditto } (F D, C)

Ditto v. Linwell }  
Gamble v. Gibson } (F D, C)  
Ditto v. Pearson }

Upjohn v. Upjohn }  
Ditto v. Wyndham }  
Upjohn v. Upjohn }

Ditto v. Mottram } (F D, C)  
Ditto v. Bankes }  
Upjohn v. Penruddooke }

Ditto v. Ditto }  
Ditto v. Wyndham }  
Upjohn v. Bankes (F D, C)

Pringle v. Crookes (E)  
Gleaves v. Pinkey (Ptn) SA  
Paterson v. Long (E, F D)

Greenwood v. Churchill }  
Robinson v. Carrington } (F  
Greenwood v. Bishop of } D,  
Exeter } C)

Ditto v. Randall }  
Link v. Stallard } (F D, C)  
Stallard v. Sturges }

Allen v. Thorpe }  
Richardson v. Horton } (E of  
Ditto v. Taylor } pliff.,  
Ditto v. Earl of Derby } F D,  
C)

Salt v. Chutaway }  
Ditto v. Salt }  
Ditto v. Ditto } (F D, C)

Ditto v. Aldington }  
Ditto v. Salt }  
Ditto v. Tansley }

Beck v. Burn (F D, C)  
Knight v. Knight } (F D, C,  
Ditto v. Cook } Ptn)

Ditto v. Marsh }  
Dixon v. Maroon (F D, C)  
Nicholson v. Norton (F D, C)

Harrison v. Harrison } (F D,  
Ditto v. Ditto } C)  
Ditto v. Skidmore }

Bustard v. Sanders (F D, C,  
Ptn)

Ullathorne v. Ullathorne } (F  
Ditto v. Ditto } D,  
C)

Duncan v. Smith (F D, C)  
Wedgwood v. Adams (F D, C)  
Trivitt v. Rose }

Edmonds v. Kitching } (F D,  
Ditto v. Peake } C)  
Ditto v. Edmonds }

Davis v. Frost }  
Ward v. Ward }  
Freeman v. Day }

Falkland v. Amhurst }  
Kilner v. Leach }  
Southey v. Graham }

Southey v. Salt } (F D, C)  
Ditto v. Price }  
Shalcross v. Hibberson }

Shalcross v. Dickson } (F D,  
Ditto v. Slagg } C)  
Ditto v. Gavthorne }

Lovegrove v. Roper }  
Roper v. Lovegrove }

### London Gazette.

TUESDAY, OCTOBER 22.

#### BANKRUPTS.

THOMAS WRIGHT, Blackmore-st., Clare-market, Middlesex, cheesemonger, Nov. 7 at half-part 1, and Dec. 5 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Morgans, Old Jewry.—Fiat dated Oct. 19.

THOMAS DONKIN, Cambridge, victualer, Nov. 2 at 1, and Nov. 30 at half-part 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Clark & Davidson, 36, Essex-street, Strand.—Fiat dated Oct. 13.

**WILLIAM BENJAMIN GOUGH**, Newport Pagnell, Buckinghamshire, grocer, Nov. 1 at 1, and Dec. 6 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Sutton & Co., Basinghall-st.—Fiat dated Oct. 19.

**MORDECAI HARRIS**, Swansea, Glamorganshire, draper, Nov. 7 at 2, and Dec. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Brittain & Son, Bristol; White & Co., Bedford-row, London.—Fiat dated Oct. 11.

**JOHN BAINS**, South Shields, Durham, grocer, Nov. 1 at 12, and Dec. 11 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Keenlyside & Harle, Newcastle-upon-Tyne; Wilson, South Shields; Hodson, 32, Broad-street-buildings, London.—Fiat dated Oct. 9.

#### MEETINGS.

*Jas. Southern*, Birmingham, grocer, Nov. 4 at half-past 11, District Court of Bankruptcy, Birmingham, ch. ass.—*Fred. P. Everett*, Reading, Berkshire, draper, Nov. 3 at half-past 12, Court of Bankruptcy, London, last ex.—*Philip Beyfus* and *Solomon Beyfus*, Houndsditch, London, importers of French goods, Nov. 3 at 11, Court of Bankruptcy, London, last ex.—*Robert Caldecott* and *John Caldecott*, Manchester, silk mercers, Nov. 13 at 11, District Court of Bankruptcy, Manchester, last ex.—*George Allison*, Darlington, Durham, scrivener, Nov. 14 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Nov. 15 at 11, div.—*R. Warren*, Liverpool, druggist, Nov. 17 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Allen E. Fowler*, Liverpool, merchant, Nov. 17 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*John Evans*, Liverpool, coal dealer, Nov. 17 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Sam. P. Ward*, Liverpool, common brewer, Nov. 17 at half-past 1, District Court of Bankruptcy, Liverpool, aud. ac.—*John Lulas*, New Brighton, Cheshire, coal dealer, Nov. 16 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Rich. Gregson*, Liverpool, tailor, Nov. 16 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Cawson*, Liverpool, corn merchant, Nov. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Geo. Harriott*, Ormskirk, Lancashire, beer brewer, Nov. 16 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 21 at 11, div.—*Hugh Bullen*, Liverpool, brewer, Nov. 16 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Henry Buggeln*, Prestatyn, Flintshire, alkali manufacturer, Nov. 17 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 21 at 11, div.—*T. Parry*, Mold, Flintshire, draper, Nov. 14 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 15 at 11, div.—*Timothy Bourne*, Liverpool, cotton broker, Nov. 15 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 16 at 12, div.—*John Caparn*, Riddings, Alfreton, Derbyshire, common brewer, Nov. 22 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Sam. Grocock*, Leicester, builder, Nov. 22 at 1, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 23 at 1, div.—*Wm. Hall*, Tredington, Worcestershire, and *Robt. Rainbow*, Stratford-upon-Avon, Warwickshire, coal merchants, Nov. 16 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Nov. 18 at half-past 11, div.—*Henry Francis Pankhurst*, Stoke-upon-Trent, Staffordshire, grocer, Nov. 16 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thomas Husley*, Tunstall, Wolstanton, Staffordshire, tailor, Nov. 14 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Stephen Boulton*, *William Greenbank*, *Thomas Boulton*, and *John Duncalf*, Tunstall, Wolstanton, Staffordshire, china manufacturers, Nov. 14 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Henry Stephen Winter*, Regent-street, Middlesex, milliner, Nov. 16 at 11, Court of Bankruptcy, London, fin. div.—*John Badcock*, Shrwenham, Berkshire, grocer, Nov. 16 at half-past 11, Court of Bankruptcy, London, fin. div.—*Antonio Lafargue*, Great St. Helen's, London, merchant, Nov. 16 at 12, Court of Bankruptcy, London, fin. div.—*Ann Phillips* and *Jas. Phillips*, Whitechapel-road, Middlesex, window-glass cutters, Nov. 16 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thomas Hobson*, Carlisle, Cumberland, mercer, Nov. 14 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Jesse Tams*, Shelton, Staffordshire, earthenware manufacturer, Nov. 14 at half-past 12, District Court of Bankruptcy, Birmingham, div.—*John Harriman* and *Thomas Harriman*, Nottingham, drapers, Nov. 14 at 1, District Court of Bankruptcy, Bir-

mingham, div.—*George James Marshall* and *William Charles Hall*, Wood-street, Cheapside, woollen warehousemen, Nov. 16 at 1, Court of Bankruptcy, London, aud. ac.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Horatio H. Hoskins*, John-street, Bedford-row, Middlesex, lodging-house keeper, Nov. 14 at 12, Court of Bankruptcy, London.—*Elizabeth Hannah Foster*, Hathern, Leicestershire, tanner, Nov. 16 at 2, Court of Bankruptcy, London.—*Wm. Blanks*, Rochford, Essex, draper, Nov. 16 at 1, Court of Bankruptcy, London.—*John Mease*, Hutton, near Rudby, Yorkshire, flax spinner, Nov. 15 at 11, District Court of Bankruptcy, Leeds.—*George Allison*, Darlington, Durham, scrivener, Nov. 14 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. M. Whiteley*, Liverpool, hatter, Nov. 16 at 12, District Court of Bankruptcy, Liverpool.—*James Wiltshire*, Dudley, Worcestershire, vice maker, Nov. 16 at 12, District Court of Bankruptcy, Birmingham.—*John Fairfax*, Leamington Priors, Warwickshire, printer, Nov. 18 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Nov. 14.*

*Wm. Carr*, South Shields, Durham, grocer.—*Thomas Parker*, *John Parker*, *John Rawlinson*, *Joshua Hanson*, *Joseph Bell*, *Thomas Chadwick*, *Adam Emsley*, *Robert Kershaw*, *John Musgrave*, *Thomas Pullan*, and *John Shaw*, Woodhouse Carr, Leeds, Yorkshire, dyers.—*John Hedderley*, Nottingham, druggist.—*Nathaniel Walsh*, Over Darwen, Lancashire, paper maker.—*John Wood*, Manchester, baker.

#### SCOTCH SEQUESTRATIONS.

*David Carnie*, Dundee, glazier.—*W. Campbell*, Greenock, gun maker.—*James Anderson*, Edinburgh, banker.—*George and James Oughterson & Co.*, Greenock, merchants.—*Wm. Thorburn & Sons*, Leith, merchants.

#### DECLARATIONS OF INSOLVENCY.

*Joseph Groom*, Long Buckby Top Locks, Northamptonshire, smith.  
*Catherine Simmons*, Hadley, near Barnet, Middlesex, dealer in brushes.  
*Benjamin Stanfield*, Chichester, out of business.  
*John Brown*, Webb's-place, Gower's-walk, Whitechapel, Middlesex, porter in her Majesty's Mint.  
*Edmund H. Plummer*, Bland-terrace, Dover-road, Surrey, plant broker.  
*Joseph Bowring*, Bath, Somersetshire, coach maker.  
*Henry Rickett*, Prince's-terrace, Pulteney-street, Islington, Middlesex, out of business.  
*Thomas Knowles*, Bewdley Forest, Worcestershire, labourer.  
*John Evans*, St. Ann's-road, Holland-street, North Brixton, Surrey, out of business.  
*Thos. M. Clewes*, Kidderminster, Worcestershire, grocer.  
*Sarah Jones*, Acrefair, Ruabon, Denbighshire, farmer.  
*W. Fawcner*, Kidderminster, Worcestershire, furniture dealer.  
*Samuel French*, Slimbridge, Gloucestershire, out of business.  
*Charles Dean*, Bury, Lancashire, licensed victualler.  
*Saml. P. Hall*, Sheffield, razor manufacturer.  
*Wm. Garland*, Woodchester, near Stroud, Gloucestershire, out of business.  
*Thomas Lawes Shapcott*, Southampton, Master of Arts.  
*E. Parlett*, Eastgate, North Walsham, Norfolk, lime burner.  
*G. Cubitt*, Eastgate, North Walsham, Norfolk, lime burner.  
*Dennis Scott*, Manchester, warehouseman's porter.  
*Benj. Marshall*, Sneinton, near Nottingham, machine maker.  
*Wm. Richardson*, Norwich, dealer in flour.  
*Jonathan Neale*, Great Titchfield-street, St. Mary-le-bone, Middlesex, upholsterer.  
*John Warburton*, Liverpool, tailor.  
*John B. Hitchins*, Vauxhall-street, Lambeth, Surrey, artist.  
*William Morison*, Gibson-square, Liverpool-road, Islington, Middlesex, clerk to Pickford & Co., Lad-lane.  
*Henry H. Henson*, Crown Lodge, Haverstock-hill, Hampstead, Middlesex, clerk to the London and Birmingham Railway Company.  
*Chas. John Hore*, Evelyn-street, New-town, Deptford, Kent, inspector on the London and Greenwich Railway.  
*Joseph Holt*, jun., Newman-street, Oxford-street, Middlesex, jeweller.



## INSOLVENT DEBTORS.

Saturday, Oct. 21.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*John Rusher*, Old Woodstock, Oxfordshire, No. 63,500 C.; *Joseph A. Gillett*, assignee.—*Thomas Ebbutt*, Alconbury, Huntingdonshire, tailor, No. 62,692 C.; *John Walton*, assignee.—*Geo. Whittet*, jun., New-street, Dorset-square, Middlesex, baker, No. 55,239 T.; *T. H. May*, assignee.—*Wm. Ward*, Kingston, Surrey, out of business, No. 55,554 T.; *Wm. J. Bird*, assignee.—*David Webster*, Hungerford-market, Strand, Middlesex, out of business, No. 55,526 T.; *H. Clark*, assignee.—*Edward Gooding*, Morebath, Devonshire, gentleman, No. 62,616 C.; *John Loosemore*, assignee.—*James Weir*, Poland-street, Oxford-street, Middlesex, licensed victualler, No. 55,619 T.; *Samuel George Wicks*, assignee.—*Samuel Collier*, Witney, Oxfordshire, auctioneer, No. 63,452 C.; *William Long*, assignee.—*John Howes*, Fawler, Oxfordshire, baker, No. 63,601 C.; *William Witherington*, assignee.—*Watkin Lloyd*, George-court, Upper Thames-street, London, milkman, No. 54,544 T.; *Robert Nicholson* Half head and *Edward Davies*, assignees.—*Thomas William Edwards*, Glamorganshire, out of business, No. 47,525 T.; *George Spencer*, assignee.—*John William Harrison*, Stockton-upon-Tees, Durham, out of business, No. 62,792 C.; *Joseph Raw*, assignee.

The following Prisoners are ordered to be brought before a Commissioner on Circuit:—

Court-house, NOTTINGHAM, (County), Nov. 15 at 10.

*Jos. Wharton*, Ambergrove, Derbyshire, labourer.—*Thos. Trueman*, New Brinsley, carrier.—*Wm. Roper*, Crumpond, Derbyshire, labourer.—*Thos. Trueman*, Hucknall Parkund, framesmith.—*John Sharp*, sen., Nottingham, tailor.—*Thos. Huskinson*, East Bridgford, farmer.—*Wm. Kelk*, Newark-upon-Trent, surveyor.—*Wm. Nowell*, Bingham, plumber.—*Geo. Smith*, Bunsby, blacksmith.—*Sampson Johnson*, jun., Glamorgate, Chesterfield, Derbyshire, butcher.—*Sarah Bell*, Cadnor-park, Derbyshire, victualler.

Court-house, NOTTINGHAM, (Town), Nov. 15 at 10.

*Francis Bramley*, Norris-marsh, butcher.—*John East*, New Sacinton, attorney's clerk.—*Hen. Eite*, Nottingham, butcher.—*Wm. Robinson*, Watergate, Grantham, Lincolnshire, labourer.—*John Wyles*, Toll-house-hill, dyer.—*Thos. Earp*, Nottingham, lace commission agent.—*Lewis Marks*, Nottingham, out of business.—*Uriah Birch*, New Lenton, joiner.—*Henry Castings*, Nottingham, tailor.—*John Matheson*, Nottingham, out of business.—*John Beadles*, Nottingham, baker.

Court-house, APFLEBY, (Westmoreland), Nov. 15 at 10.

*John Garnett*, Shap, coach proprietor.—*W. Batty Hodgson*, Kendal, out of business.

Court-house, TAUNTON, (Somersetshire), Nov. 14 at 10.

*George Pratten*, Upper Weare, cordwainer.—*Luke Harvey*, Yeovil, painter.—*Anna Norton*, Congresbury, widow, farmer.—*Wm. Packrell*, Bridgwater, beer seller.—*L. Mann*, Walcot, out of business.—*Francis Govier*, Dulverton, blacksmith.—*Geo. Middleton*, Taunton, victualler.—*Adam Travis*, jun., Moorlinch, labourer.—*William Morgan*, South Brent, farmer.—*John Bull*, Yeovil, tailor.—*Wm. Rogers*, Wrexall, thatcher.—*Isaac Heal*, North Petherton, out of business.

## INSOLVENT DEBTOR'S DIVIDEND.

*Ralph Birch*, Buxton, grocer, Oct. 30, Brittlebank's, Winstar, near Bakewell, Derbyshire: 2s. 9d. in the pound, (in addition to former dividends of 9s. 6d.).

## MEETINGS.

*John Latham*, St. Helen's, Lancaster, retailer of beer, Nov. 14 at 12, Barnes & Barrow's, St. Helen's, sp. aff.—*W. Raper*, Masham, near Bedale, Yorkshire, out of business, Nov. 14 at 12, Clayton's, Lancaster-place, Waterloo-bridge, Strand, sp. aff.

## FRIDAY, OCTOBER 27.

## BANKRUPTS.

**EDMUND FLORANCE**, jun., Subdeanry, Sussex, potato dealer, Nov. 7 and Dec. 5 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Staniland & Long, Bouverie-street.—Fiat dated Oct. 23.

**JOHN BROOM LEMAN FARRANT**, Maidstone, Kent, agricultural machine maker, Nov. 9 and Dec. 5 at half past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Palmer & Co., Bedford-row.—Fiat dated Oct. 9.

**WILLIAM BRIDGEWOOD GASKELL**, Birmingham, Warwickshire, draper, Nov. 8 and 29 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Crossly & Sudlow, Manchester; Milne & Co., Temple.—Fiat dated Oct. 16.

**ROBERT YOUNG and WILLIAM RENNARDS**, Liverpool, cheese factors and provision merchants, Nov. 10 at half-past 12, and Dec 8 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Cornthwaite, Liverpool; Cornthwaite & Adams, Dean's-court, Doctors'-commons, London.—Fiat dated Oct. 3.

## MEETINGS.

*John Alpin*, Bicester, Oxfordshire, scrivener, Nov. 9 at 12, Court of Bankruptcy, London, ch. ass.—*Richard Hodgson*, Sunde land, Durham, tea dealer, Nov. 1 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*G. Walker*, Newcastle-upon-Tyne, ship and insurance broker, Nov. 7 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Thos. Humble*, Ardwick, Manchester, grocer, Oct. 31 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Dalton Dawson*, Birmingham, iron master, Nov. 10 at 11, District Court of Bankruptcy, Birmingham, last ex.—*John Bradley*, Great Titchfield-street, Mary-le-bone, Middlesex, printer, Nov. 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Robert W. Robinson*, sen., and *Robert W. Robinson*, jun., Bedford, grocers, Nov. 21 at 1, Court of Bankruptcy, London, aud. ac.—*John Duncan*, Lombard-street, London, cloth merchant, Nov. 17 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Thos. Edw. Clarke*, Acle, Norfolk, apothecary, Nov. 17 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Geo. Henry Bush*, Edgeware-road, Mary-le-bone, Middlesex, upholsterer, Nov. 17 at 1, Court of Bankruptcy, London, aud. ac.—*J. Stickland*, *Thos. Powell Shaw*, and *Francis Mattock*, Newgate-market, London, cheesemongers, Nov. 11 at half-past 11, Court of Bankruptcy, London, aud. ac.; Nov. 18 at 11, div. joint and sep. est. *J. P. Shaw*.—*W. Anthony Whinsfield*, Newcastle-upon-Tyne, draper, Nov. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Nov. 21 at 11, div.—*Thomas Daniell*, Boulogne, France, copper smelter, Nov. 22 at 12, District Court of Bankruptcy, Exeter, aud. ac.; Nov. 23 at 12, div.—*Thomas Molineux*, Manchester, silk manufacturer, Nov. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 23 at 12, div.—*John Higgin*, jun., Lancaster, scrivener, Nov. 21 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Nov. 22 at 12, div.—*Geo. Hewitt* and *George Hewlett*, Manchester, woollen drapers, Nov. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Richard Almond*, Orrell, Lancashire, coal dealer, Nov. 21 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 21 at 12, div.—*Jas. Irvine*, Liverpool, salt broker, Nov. 24 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas Gilson*, Bucklersbury, London, coffee-house keeper, Nov. 17 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thomas Jacob Lancaster*, Barge-yard, Bucklersbury, London, merchant, Nov. 17 at 12, Court of Bankruptcy, London, div.—*James Simmons*, *John Simmons*, and *John Pine*, Battersea, Surrey, and Stoney-street, Southwark, Surrey, manufacturers of prussiate of potash, Nov. 17 at 11, Court of Bankruptcy, London, fin. div.—*Geo. Delianson Clarke*, Strand, and Fieldgate-street, Whitechapel, Middlesex, newspaper vender, Nov. 21 at 11, Court of Bankruptcy, London, div.—*Ibbs Wm. Hodges Brown*, Little Bowden, Northamptonshire, dealer in horses, Nov. 18 at 2, Court of Bankruptcy, London, div.—*James Binion Cooper*, Drury-lane, Middlesex, iron founder, Nov. 18 at half-past 2, Court of Bankruptcy, London, div.—*John George*, Bread-street, Cheapside, London, and James-street, Hare-street, Bethnal-green, Middlesex, silk manufacturer, Nov. 18 at half-past 12, Court of Bankruptcy, London,

div.—*A. E. Fowler*, Liverpool, merchant, Nov. 23 at 11, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*John Woolham*, St. Alban's, Hertfordshire, silk throwster, Nov. 18 at 2, Court of Bankruptcy, London.—*John Stevens*, Britwell Salome, Oxfordshire, ironfounder, Nov. 18 at half-past 1, Court of Bankruptcy, London.—*Henry Jones*, Catterbury, victualler, Nov. 18 at 12, Court of Bankruptcy, London.—*John Page*, Weedon Beck, Northamptonshire, carpenter, Nov. 21 at half-past 1, Court of Bankruptcy, London.—*Hen. Bourne*, Wolsingham, Durham, scrivener, Nov. 20 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—*William Mason*, Boston, Yorkshire, corn dealer, Nov. 18 at 11, District Court of Bankruptcy, Leeds.—*John Clarke*, *Richard Mitchell*, *Jos. Philips*, and *Thos. Smith*, Leicester, bankers, Nov. 21 at half-past 12, District Court of Bankruptcy, Birmingham.—*Edw. Thorneycroft*, jun., and *Geo. Thorneycroft*, jun., Wolverhampton, Staffordshire, iron manufacturers, Nov. 22 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 17.*

*Jeremiah Scott*, Manchester, innkeeper.—*Henry Walton*, jun., Crowland, Lincolnshire, wheelwright.—*Isaac Hooley*, Nottingham, miller.—*Nich. Brown*, Prescot, balance maker, *R. Brown*, jun., Liverpool, tool dealer, and *W. Brown*, Prescot, Lancashire, balance maker.—*Wm. Jeffcoat*, East Harding-st., London, bookbinder.—*Jesse Siddons*, West Bromwich, Staffordshire, hollow ware manufacturer.—*Geo. Walker*, Oundle, Northamptonshire, grocer.—*John Baylis*, jun., and *James Baylis*, Gutter-lane, Cheapside, London, crape manufacturers.—*Hen. Buggele*, Protatya, Flintshire, alkali manufacturer.—*Jas. Johnson*, Little Abington, Cambridge, builder.—*Joseph Higginbottom*, Ashton-under-Lyne, Lancashire, scrivener.

#### FIAT ANNULLED.

*John Allen*, Alfreton, Derbyshire, innkeeper.

#### SCOTCH SEQUESTERATIONS.

*William McCallum*, Glasgow, merchant.—*Peter Davidson*, jun., & Co., Dundee, fish curers.—*Archibald Warden & Son*, Glasgow, merchants.—*Rob. Rankin & Co.*, Glasgow, leather cutters.

#### DECLARATIONS OF INSOLVENCY.

*Henry Rickel*, Prince's-terrace, Pulteney-street, Islington, retailer of beer.  
*Robert Dod Fulloon*, Great Carter-lane, Doctors'-commons, attorney.  
*Jas. Peat*, Patriot-sq., Bethnal-green, Middlesex, merchant's clerk.  
*Jas. B. Irwin*, Jermyn-st., Westminster, gentleman.  
*Thos. Billison*, West Derby, Walton, Lancashire, insurance broker.  
*Jas. Cummins*, George-street, Bloomsbury, Middlesex, cow-keeper.  
*Wm. Bilson*, Bury St. Edmund's, Suffolk, gun maker.  
*Geo. Ellison*, Chorley, Lancashire, farmer.  
*John Chapman*, Cullum-st., St. Dionis, London, cooper.  
*Wm. Mathews*, Goswell-street, London, stamper in the General Post Office.  
*Hen. Cos*, Wolverhampton, Staffordshire, out of business.  
*Emmanuel H. Mercier*, Foxley-road, Kennington, Lambeth, Surrey, schoolmaster.  
*Samuel Taylor*, Oldham, Lancashire, bookkeeper.  
*Jas. Rowland*, Hulme, Lancashire, commission agent.  
*Henry Browne*, Codnor-park, Derbyshire, forge manager.  
*James William Thomas*, Bristol, accountant.  
*Rob. Ashkam*, Long Cliff, Hemingbrough, Yorkshire, farmer.  
*Edwin Wm. Jackson*, New Ferry, Cheshire, master mariner.  
*James Hollingworth*, Meltham, Almondsbury, Yorkshire, carpenter.  
*James Butterworth*, Rochdale, Lancashire, stone mason.  
*John Sumner*, Chiswell-street, Finsbury, Middlesex, tailor.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Thursday, Nov. 16 at 9.*

*Robert Harvey*, Fashion-st., Dockhead, Bermondsey, Surrey, out of business.—*J. Poygard*, Catherine-st., Commercial-

road East, Middlesex, managing the business of an iron founder.—*Ann Taylor*, Stratford-place, Oxford-street, Middlesex, servant.—*Wm. Marshall*, Lower Oxford-st., Whitechapel-road, and George-st., Wentworth-st., Whitechapel, Middlesex, boiler maker.—*Jas. Neussome*, Flats, Dewsbury, Yorkshire, blanket manufacturer.—*A. Oles. Jos. Levent de Boullan-court*, Frith-st., Soho, Middlesex, sangoon dentist.—*Wm. L. Gaze*, Church-row, West Hackney, Middlesex, clerk in the Custom-house.—*Ann F. Scoley*, Maise-pond, Saint Thomas-st., Southwark, Surrey, lodging-house keeper.—*Rich. N. Macnamara*, Bowling-green-street, Kennington, Surrey, never in any business.—*Hen. Laundry*, Strand, Middlesex, law stationer.—*Geo. Brookbank*, Dorset-st., Clapham-road, Surrey, warehouseman.—*Thos. Walter*, Oxford-market, Oxford-street, Middlesex, porter at the House of Commons.

*Nov. 17, at the same hour and place.*

*Mary Chase*, Ashby-street, King's-cross, Middlesex, out of business.—*Henry John Salter*, Lower-march, Lambeth, Surrey, eating-house keeper.—*Daniel Cross*, Orange-row, Kennington-road, Surrey, coffee-house keeper.—*Samuel Wright*, King-st., Hoxton-square, Middlesex, out of business.—*Henry Losley*, Union-st., Friar-st., Blackfriars-road, Surrey, foreman to a builder.—*Charles Louis de Bourbon*, New-cross, Deptford, Surrey, modelist.—*Philip Hunt*, London-road, Kingston, Surrey, dealer in marine stores.—*Henry Cantor*, Great Suffolk-st., Borough, Southwark, Surrey, dentist.—*J. Beattie*, South-place, Finsbury, Middlesex, coach maker.—*Nat. Robinson*, sen., Wells-st., Poplar, Middlesex, shipwright.—*Wm. Hovey*, Little George-st., Hampstead-road, Middlesex, gas lighter to the London Gas Light Company.—*Geo. Maswell*, jun., Broadway, Blackfriars, London, tailor.

*Court-house, BODMIN, Cornwall, Nov. 18 at 10.*

*Thomas Hocken*, Carnhill, farmer.—*Charles N. Jewell*, Roche, surgeon.—*Peter Richard Osborne*, Padstow, mariner.—*Paul Mitchell*, St. Clement's, farmer.—*John Andrew*, Saint Austell, miner.—*Thos. Symonds*, Tintassell, farmer.—*William Santo*, Saint Winnow, butcher.—*Wm. Worden*, Saint Ken, farmer.

*Court-house, DEBBY, (County), Nov. 17 at 10.*

*John Coleman*, Derby, carver.—*Jas. Anthony*, Little Eaton, labourer.—*Wm. Stevens*, Derby, dealer in manure.—*Joseph Baker*, Burton-upon-Trent, Staffordshire, out of business.—*Thos. Neale*, Derby, innkeeper.—*Thos. Ratcliffe*, Coalcath, stone getter.—*John Whiting*, Derby, out of business.—*Isaac Allsop*, Derby, baker.

*Court-house, PLYMOUTH, Devonshire, Nov. 20 at 10.*

*George Tutton Roberts*, Plymouth, baker.

*Court-house, LITCHFIELD, (City), Nov. 18 at 10.*

*Wm. Riddell*, Litchfield, Staffordshire, horse breaker.

*Court-house, STAFFORD, (County), Nov. 20 at 10.*

*Sam. Holloway*, Bilston, boat builder.—*Wm. Harbridge*, Ryton, Shropshire, farmer.—*Chas. Davis*, Wolverhampton, cooper.—*Edwin Thomas*, Alrewas, labourer.—*Wm. Leigh*, Chesterton, dealer in hay.—*Wm. Davis*, sen., Wednesbury, engineer.—*Thos. Owen*, Wolstanton, labourer.—*Thos. Firth*, Tunstall, tailor.—*Jos. Beech*, Burslem, out of employ.—*Thos. Mansfield*, Kinver, labourer.—*Wm. Whittaker*, Newcastle-upon-Lyme, attorney's clerk.—*James Smith*, Burlaughton, cooper.—*Henry Hudson*, Alrewas, shoemaker.—*P. Kendall*, Aberistwith, Cardiganshire, land surveyor.—*Sam. Bates*, Tipton, brick maker.—*Thos. Vaughan*, Burslem, bricklayer.—*Rich. Stanway*, sen., Knighton, farming bailiff.—*B. Baker*, Burslem, crate maker.

*Court-house, LANCASTER, (County), Nov. 17 at 10.*

*Henry Ashcroft*, Golborne, near Wigan, slater.—*William Clemenson*, Manchester, out of business.—*John Gott*, Rochdale, out of business.—*Randle Wilkinson*, Hopwood, near Middleton, out of business.—*E. C. Moaks*, Fleetwood on Wyre, nail manufacturer.—*James Cross*, Hulme, provision shopkeeper.—*A. Burtonwood*, Manchester, maker of black puddings.—*James Whitehead*, Oldham, cotton carder.—*J. Isherwood*, Bolton-le-Moors, baker.—*John Tattersall*, Manchester, coal dealer.—*James Woods*, Blackburn, engineer.—*Thos. Walker*, Uxerston, out of business.—*Henry Mellings*, Preston, fishmonger.—*Robt. Pendlebury*, Blackburn, out of business.—*J. Hunt*, Wigan, smallware dealer.—*E. Walker*, Liverpool, housekeeper.—*Rich. Unsworth*, Billinge Higher-

and, near Wigan, nail maker.—*Thomas Metcalf*, Lancaster, painter.—*Henry Robinson*, Whittle-mills, near Chorley, calico printer.—*Thomas Draycott*, Standish, near Wigan, farmer.—*Edward Davies*, Wavertree, near Liverpool, out of business.—*John Watson*, Bacarliffe, near Burnley, farmer.

Nov. 18, at the same hour and place.

*James Griffiths*, Bury, licensed victualler.—*John Pearson*, Marsden, near Colne, corn miller.—*Thos. Bamford*, Preston, smith's striker.—*Frus. Baines*, Preston, wheelwright.—*Alex. Bremilow*, Bolton-le-Moors, shoemaker.—*J. Baron*, Milnrow, near Rochdale, out of business.—*Wm. Hartley*, Lancaster, bell hanger.—*Wm. Hartley*, jun., Little Marsden, near Colne, horse dealer.—*Richard Grims*, Sharples, near Bolton-le-Moors, farmer.—*John Smith*, Salford, butcher.—*Joseph Thorner*, Preston, coal agent.—*John Rossion*, Liverpool, out of business.—*Robert Jones*, Liverpool, tailor.—*John Sutton*, Lytham, tailor.—*Wm. Lewis*, Little Lever, near Bolton-le-Moors, farmer.—*Henry Entwistle*, Hulme, paper stainer.—*Mary Boscow*, Preston, hand-loom weaver.—*Eliza Schofield*, Padleton, near Clithero, farmer.—*James Rennie*, Bootle, near Liverpool, hair dresser.

Nov. 20, at the same hour and place.

*Thomas Davis*, Preston, hand-loom weaver.—*Alfred Leigh*, Ashton-under-Lyne, assistant to a cotton spinner.—*James Waine*, Preston, servant man.—*James Mackeral*, Lancaster, butcher.—*W. B. Guest*, Rusholme, near Manchester, out of business.—*Lawrence Yates*, Manchester, licensed victualler.—*Mary Tyrrell*, Liverpool, out of business.—*James Clegg*, Hulme, bookkeeper.—*George Boothman*, Blackburn, slater.—*Wm. P. Thomas*, Manchester, engraver.—*Wm. Barrow*, Ashton-under-Lyne, race-horse keeper.—*Wm. W. Garrick*, Manchester, painter.—*R. G. Beesley*, Manchester, commission agent.—*R. W. Whittingham*, Liverpool, licensed victualler.—*John Cutler*, Salford, ironfounder.—*George Rowbottom*, Manchester, butcher.—*Nicholas Twite*, Liverpool, wholesale porker.—*Henry Richardson*, Hulme, out of business.—*T. Richards*, Liverpool, paper ruler.

#### INSOLVENT DEBTOR'S DIVIDENDS.

*George Livesey*, Boarsgreave-mill, near Rochdale, Rosendale Forest, Lancashire, and Lad-lane, London, woollen manufacturer, Oct. 31, Walker's, Haslingdon, Lancashire: 4s. 1d. and 5d. in the pound.

#### MEETINGS.

*Thomas Holden*, Settle, Yorkshire, cattle dealer, Nov. 14 at 11, King's Arms, Manchester, sp. affairs.—*John S. Climo*, St. Pinnock, Cornwall, yeoman, Nov. 13 at 11, Oliver's Hotel, Bodmin, sp. affairs.—*Wm. Henry Sloggett*, Rickmansworth, Hertfordshire, yeoman, Nov. 13 at 1, Oliver's Hotel, Bodmin, Cornwall, sp. affairs.

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# The Jurist

No. 356.

LONDON, NOVEMBER 4, 1843.

PRICE 1s.

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## LONDON, NOVEMBER 4, 1843.

We understand that a doubt has arisen on the late registration circuits, whether the 20th section of the 2 Will. 4, c. 45, extends to the rent-charge issuing out of lands in lieu of tithes, under the 6 & 7 Will. 4, c. 71: the point being, whether such rent-charge is, within the meaning of the Reform Act, a tenement, and a tenement of which there can be occupation.

The 20th clause of the 2 Will. 4, c. 45, is as follows:—"And be it enacted, That every male person of full age, and not subject to any legal incapacity, who shall be entitled, either as lessee or assignee, to any lands or tenements, whether of freehold or of any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than sixty years, (whether determinable on a life or lives, or not), of the clear yearly value of not less than 10*l.* over and above all rents and charges payable out of or in respect of the same, or for the unexpired residue, whatever it may be, of any term originally created for a period of not less than twenty years, (whether determinable on a life or lives, or not), of the clear yearly value of not less than 50*l.* over and above all rents and charges payable out of or in respect of the same, or who shall occupy as tenant any lands or tenements for which he shall be bonâ fide liable to a yearly rent of not less than 50*l.*, shall be entitled to vote in the election of a knight or knights of the shire to serve in any future parliament for the county, or for the riding, parts, or division of the county, in which such lands or tenements shall be respectively situate."

The way in which the rent-charge, into which tithes are commuted under the Tithe Commutation Act, is described in sects. 17 and 36 of that Act, is, "an annual sum to be paid by way of rent-charge." And in sect. 67, which frees the land to which the provisions of the Act have been applied, from tithes, and substitutes the

rent-charge instead, the language is, that "the land shall be absolutely discharged from the payment of all tithes, (except as therein excepted, as to dissent of tenants at a rack rent), and instead thereof, there shall be payable thenceforth to the person in that behalf mentioned in the said apportionment a sum of money equal in value, according to the prices ascertained by the then next preceding advertisement, to the quantity of wheat, barley, and oats respectively mentioned therein to be payable instead of the said tithes, *in the nature of a rent-charge issuing out of the lands charged therewith.*"

There could hardly be any question, we apprehend, that, as to the species of interest described in the first part of the 20th section of the Reform Act, viz. the interest of a person entitled either as lessee or assignee to any lands or tenements for a term originally of not less than sixty years, or twenty years, such an interest extends to a rent-charge in lieu of tithes under the 6 & 7 Will. 4, c. 71. For "Tenement," says Lord Coke, (Co. Litt. 6. a.), "is a large word to pass not only land and other inheritances which are holden, but also offices, rents, commons, profits apprender out of lands, and the like, wherein a man hath any frank tenement, and whereof he is seised ut de libero tenemento." Again, in the commentary on the 233rd section of Littleton, 154. a., he says, "And Littleton in a few words hath made a good exposition of this statute, (20 H. 3); for where the statute says, disseisitus de libero tenemento, Littleton expounds it to extend to a rent-secke or rent-charge. Albeit, as hath been said, they be against common right, yet a man hath a freehold in them, and he that granteth omnia tenementa sua, a rent-charge or a rent-secke doth passe." (See also Ibid. note 7). And again, in treating of what may be entailed, Lord Coke says, (Co. Litt. 20. a.), "Tenements—tenementa. This is the only word which the said statute of Westminster 2, that created estate tail, useth; and it includeth not only all corporeal in-

heritances, which are or may be holden, but also all inheritances issuing out of any of these inheritances, or concerning or annexed to or exercisable within the same, though they lie not in tenure; therefore, all these without question may be entailed. As rents, estates, commons, or other profits whatsoever granted out of land, or uses, offices, dignities which concern lands in certain places, may be entailed within the said statute, because all these savour of the realtie. But if the grant be of an inheritance merely personal, or to be exercised about chattels, and is not issuing out of land, nor concerning any land, or some certain place, such inheritances cannot be entailed because they savour nothing of the realtie."

The distinction, therefore, is, that a profit which issues out of land, or, as it is called in the old books, savours of the realty, is a tenement; in other words, generally, a profit issuing out of and charged upon a tenement, is itself clothed with the character of a tenement; while a profit issuing out of something purely personal is not a tenement. There cannot, therefore, be any doubt that the word "tenement" includes an ordinary rent-charge; and the payment in the *nature of a rent-charge issuing out of the land charged therewith*, substituted for tithe by the Tithe Commutation Act, does not seem, for this purpose at least, distinguishable from any common rent-charge.

The only doubt, then, which appears tenable, is, whether, in reference to the 50*l.* tenancies under the 20th section of the 2 Will. 4. c. 45, where the statute requires the tenant to *occupy* the tenements, the lessee of a rent-charge, under the 6 & 7 Will. 4. c. 71, can bring himself within the Reform Act. The difficulty depends on the word *occupy*;—whether, admitting the rent-charge to be in general a tenement, it is a tenement which can be occupied.

Some cases have occurred on the liability to poor rates, which are cited in a note in Mr. Rogers's work on Elections, (6th edit. p. 134, notis), in reference to this point; but they have not, as we understand them, much bearing upon it. In *R. v. Mersey and Irwell Navigation*, (9 B. & C. 95), it was held, that the proprietors of the navigation were not liable to poor's rates, not because their interest was not of a nature capable of occupation, but because they did not fall within the words of the 43 Eliz., "*occupiers of lands*." The statute making the occupation of land requisite, all that was determined in that case was, that the owners of an interest which was not land, but only an easement, were not within the statute; and it is clear that the court might have held them to be in the occupation of their easement, without in any degree disturbing its decision on the other point.

The case in 1 Nev. & Per. 432 (*R. v. Bardswell*) merely decides, that, to gain a settlement under the 1 Will. 4. c. 18, the whole of the subject-matter of the renting must be occupied; but no question arose as to what tenements are incapable of occupation in the legal sense of the term. The cases on leases of dairies, (see *R. v. Hockworthy*, 2 Nev. & P. 383), that is, leases of cows, and of a right of pasture and herbage for them, prove nothing; for, although it may be clear, that, in those cases, there may be a right of distress in regard to the rent reserved for the pasture, that does not prove that

there is occupation of the pasture as a tenement, but only that the nature of the tenancy gives such a right of occupying the *land*, as draws with it the right of distress. The question, in fact, so far as a brief examination enables us to judge, of what tenements there cannot be occupation, seems untouched by the authority of decided cases. Lord Coke says, however, (249. b.), that occupation is equivalent to possession—"occupation is applied to the possession, be it lawful or unlawful." And in truth, although, generally speaking, the word is applied to tenements corporeal, there seems no good reason why it is to be treated as exclusively applicable to them. In the way in which the term is used in the 20th section of the Reform Act, the act seems to have in view the distinction between a party making his profits by reserving rent, and a party paying rent and reaping the ultimate profits as lessee, and not any distinction between tangible or intangible occupation. The object of the section is plainly to give a vote to a party entitled to a beneficial lease of a certain annual value, whether in or out of possession, evidently contemplating the case of such a person using his interest, as a lessor, by sub-letting; but as to a party having no permanent or beneficial interest *quâ* termor, there it requires that he shall be occupying tenant, that is, that he shall be the tenant in actual possession of the ultimate fruits of the tenement. If this be, as we apprehend it is, the intention of the act, there is nothing in it to make it imperative to limit the meaning of the word "*occupying*" to bodily occupation, and we should submit, that the words of the act will be satisfied where there is an actual possession or perception of the ultimate profits; that, therefore, the lessee of a rent-charge, under the 6 & 7 Will. 4. c. 71, liable to a rent of not less than 50*l.*, being in actual possession of the profits of the rent-charge, and not deriving profit by way of underlease, is entitled to a vote under the 20th section of the Reform Act.

## Court Papers.

CAUSE LISTS.—MICHAELMAS TERM, 6 VICT.

## Court of Chancery.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—*A.* Abated—*Adj.* Adjourned—*A. T.* After Term—*Ap.* Appeal—*C. D.* Cause Day—*C.* Costs—*D.* Demurrer—*E.* Exceptions—*F. D.* Further Directions—*M.* Motion—*P. C. P.* Confesso—*Pl.* Plea—*Ptn.* Petition—*R.* Re-hearing—*S.* Stand Over—*Sh.* Short.

Before the LORD CHANCELLOR.

## APPEALS.

M'Dermot v. Wilcox (part heard)	Attorney-Gen. v. Potter (Ap)
Thomas v. Jones (part heard)	Barrs v. Jackson (Ap)
Marquis of Westminster v. Morrison (Ap)	Young v. Lord Waterpark (Ap)
The Sheffield Canal Co. v. The Sheffield & Rotherham Railway Co. (Ap)	Williams v. Knipe (Ap)
Salkeld v. Johnson (Ap)	Smyth v. Griffin (Ap)
Elliotson v. Knowles (Ap)	Baillie v. Innes (Ap)
Ditto v. Lackington (Ap)	Ditto v. Palmer (Ap)
Bampton v. Birchall (Ap)	Tullock v. Hartley (Ap)
Bampton v. Standish (Ap)	Dryden v. Burnham (Ap)
Frampton v. Cannon (Ap)	Burnham v. Dryden (Ap)
Ditto v. Whitmore (Ap)	Waleh v. Gladstone (Ap)
	Ditto v. Lord Camoys (Ap)
	Langley v. Fisher (Ap)
	Arundale v. Bowyer (Ap)
	Fisher v. Taylor (Ap)

Benson v. Heathorn (Ap)  
 Cottingham v. Earl of  
 Shrewsbury } (Ap)  
 Praed v. Richards  
 Ditto v. Jerminham  
 Booth v. Lightfoot (Ap)  
 Cutts v. Thodey (Ap)  
 Selby (pauper) v. Jackson (Ap)  
 Heighington v. Grant (3 causes  
 Ap)  
 Sherwood v. Walker (Ap)  
 Fordham v. Fordham (Ap)  
 Besser v. Cox (Ap, F D)  
 Att.-Gen. v. Rickards (Ap)  
 Foley v. Hill (Ap)  
 Foster v. Smith (Ap)  
 Bate v. Stuart (E)  
 James v. Howells } (Ap)  
 Ditto v. Godsell  
 Duke of Beaufort v. Phillips  
 (Ap)

Strickland v. Strickland }  
 Ditto v. Boynton } (Ap)  
 Ditto v. Strickland  
 Pringle v. Crookes (Ap)  
 Smith v. Henley (Ap)  
 Havard v. Price } (Ap)  
 West v. Ditto  
 Brown v. Bees (Ap)  
 Brain v. Knott (Ap)  
 Blackford v. Kirkpatrick }  
 Oglander v. Williams } (Ap)  
 Ditto v. Eames  
 Matthew v. Brise (Ap)  
 Duke of Leeds v. Earl Am-  
 hurst (Ap)  
 Thompson v. Geary (Ap)  
 Morrill v. Sutton (Ap)  
 Spalding v. Ruding (Ap)  
 Hills v. Nash (Ap)  
 Millar v. Graig (Ap)  
 Rickards v. Rickards (Ap)

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

*Before the VICE-CHANCELLOR OF ENGLAND.*

Fakas v. The Ratchiffe Gas  
 Light & Coke Co. (pt. hd.) }  
 Ditto v. Norman (pt. hd.) }  
 Ditto v. Bromley (pt. hd.) }  
 Urquhart v. Urquhart (part  
 heard)  
 Basden v. Pepper (part heard)  
 Emery v. Pickering (want of  
 parties)  
 St. Victor v. Devereux (D)  
 Abraham v. Hamay (2 D)  
 Hibbertson v. Hibbertson  
 Solomon v. Solomon }  
 Ditto v. Daniel  
 Attorney-Gen. v. Baines  
 Farmer v. Farmer  
 Edwards v. Goodwin (E, Cau)  
 Bentley v. Smart  
 Harrison v. Andrews } (F D)  
 Ditto v. Tracy  
 Beresford v. Armagh (F D)  
 Naylor v. Wetherell (Cause,  
 Pts. part heard)  
 Att.-Gen. v. Glynn (F D, Ptn)  
 Graham v. Williams (F D,  
 part heard)  
 Cordy v. Williams (Cause) }  
 Collins v. Collier  
 Simons v. Pettitt  
 Kendrick v. Lees

Butlin v. Allibone }  
 Ditto v. Christie  
 Wyatt v. Dalrymple  
 New Zealand Co. v. Barnewall  
 Payne v. Banner  
 Williams v. Owen  
 Robinson v. Webster  
 Biens v. Palmer  
 Knowles v. Greenhaugh (F D,  
 C)  
 Evans v. Adams (F D, C)  
 Wright v. Barnewall  
 Lockwood v. Abdy  
 Bowers v. Sherman (F D) }  
 Ditto v. Nunn (Cause)  
 Wyatt v. Wallis  
 Lord Hatherton v. Bradburn  
 Walsh v. Gladstone } (F D,  
 Ditto v. Camoys } C)  
 Watts v. Watts (E)  
 Heale v. Heale (F D, C)  
 Shackell v. Duke of Marlbo-  
 rough (re-hearing)  
 Coore v. Lowndes  
 Poore v. Ditto  
 Jones v. Jones (F D, C) SA  
 Davis v. Beavan } (F D, C)  
 Wright v. Norris  
 Dixon v. Watson SA  
 Allan v. Thomson

*Before the Vice-Chancellor KNIGHT BRUCE.*

Proudfoot v. Hume }  
 Ditto v. Johnson }  
 Christie v. Hodges Nov. 8  
 Padley v. Kidney (F D, C)  
 Rookes v. Rookes (E)  
 Ditto v. Ditto (F D, C) }  
 Edwards v. Edwards  
 Ditto v. Williams

*Cases transferred from the  
 Vice-Chancellor of Eng-  
 land's List by Order.*

Dodsworth v. Lord Kinnaird  
 Backcock v. Southcomb (Cause,  
 Ptn)  
 Meinertzhagen v. Davis  
 Dutton v. Healam } (F D, C)  
 Ditto v. Scott  
 Treweek v. Paramore (F D, C)  
 Fairbrother v. Mason (F D, C)

Butcher v. Jackson } (F D)  
 Jackson v. Butcher }  
 Butcher v. Jackson (E)  
 Heale v. Heale (F D, C)  
 Foley v. Hill (F D, C)  
 Freak v. Freak } (F D, C)  
 Camillan v. Pratt  
 Beales v. Spencer (F D, C)  
 Williams v. Williams (F D, C)  
 Stavers v. Bernard (F D, C)  
 Campbell v. Campbell (E)  
 Gibson v. De Este  
 Beaumont v. Blewitt  
 Major v. Hennilove  
 Dymock v. Dymock  
 Birch v. Birch  
 Jones v. Edwards  
 Villiers v. Villiers  
 Cliff v. Wadsworth  
 Thomson v. Thomson

*Before the Vice-Chancellor WIGRAM.*

Major v. Auckland (part heard)  
 Church v. March (D)  
 Broad (pauper) v. Robinson  
 Nov. 6  
 Tatam v. Williams  
 Griffiths v. Griffiths } *After*  
 Ditto (Henry) v. Ditto } *Term*  
 Edwards v. Dodd Nov. 11  
 Kenyon v. Buckley  
 Faulkner v. Daniel }  
 Ditto v. Waterman }  
 Newton v. Burt  
 Evanson v. Dawes (F D, C)  
 Attorney-Gen. v. Barker  
 Lord Walsingham v. Good-  
 ricke (E)  
 Bristed v. Wilkins  
 Clayton v. De Boos  
 Lickman v. Hook  
 Barwise v. Barnes  
 Morley v. Cook (E)  
 Plunket v. Lewis

Acton v. Rogers (F D, C)  
 Campbell v. Robinson  
 Fox v. Rowland  
 Smith v. Connell  
 Johnson v. Johnson  
 Aspinall v. Andus (F D, C)  
 Pinkett v. Wright (F D, C)  
 Brown v. Hayward } (F D, C)  
 Ditto v. Wintle  
 Barker v. Brownlow (E)  
 Drake v. Drake (E)  
 Forman v. Nevill (E)

*NEW CAUSES.*  
 Self v. Goldney  
 Bulmer v. Allison  
 Moore v. Newham  
 Simes v. Hardy }  
 Ditto v. Massfield }  
 Simes v. Eyre  
 Taylor v. Ball  
 Gordon v. Pyn  
 Tomlin v. Tomlin (E)

**London Gazette.**

TUESDAY, OCTOBER 31.

## BANKRUPTS.

HENRY WILLIAM MORLEY, Dean-street, Soho, Mid-  
 dlesex, tailor, Nov. 10 at 1, and Dec. 13 at 2, Court of  
 Bankruptcy, London: Off. Ass. Lackington; Sols. Rixon  
 & Son, Jewry-street, Aldgate.—Fiat dated Oct. 25.  
 JOHN PHILLIPS, Hall-court, Old Broad-street, London,  
 tailor and draper, Nov. 10 at 11, and Dec. 13 at 12, Court  
 of Bankruptcy, London: Off. Ass. Lackington; Sol. Yonge,  
 Tokenhouse-yard.—Fiat dated Oct. 23.  
 ROBERT GRAND, Old Jewry-chambers, London, merchant,  
 Nov. 10 at 12, and Dec. 13 at 1, Court of Bankruptcy, Lon-  
 don: Off. Ass. Johnson; Sols. Crowder & Maynard, Cole-  
 man-street.—Fiat dated Oct. 23.  
 AMBROSE MASON, Bury St. Edmund's, Suffolk, coach  
 proprietor, Nov. 8 at 2, and Dec. 13 at 11, Court of Bank-  
 ruptcy, London: Off. Ass. Johnson; Sols. Turner & Hens-  
 man, Basing-lane.—Fiat dated Oct. 30.  
 LEWIS CELESTE LECESNE, Fenchurch-buildings, Fen-  
 church-street, London, merchant, Nov. 14 at half-past 12,  
 and Dec. 12 at 11, Court of Bankruptcy, London: Off. Ass.  
 Graham; Sols. Gregson & Co., Angel-court, Throgmorton-  
 street.—Fiat dated Oct. 30.  
 WILLIAM PICKFORD and HENRY GAME CLAPTON,  
 Bristol, warehousemen and dealers in carriers' tools, Nov.  
 13 and Dec. 12 at 11, District Court of Bankruptcy, Bris-  
 tol: Off. Ass. Hutton; Sols. Short, Bristol; White & Eyre,  
 Bedford-row, London.—Fiat dated Oct. 27.

## MEETINGS.

*Benj. Dorrall*, Ironbridge, Shropshire, draper, Nov. 21 at  
 11, District Court of Bankruptcy, Birmingham, last ex.—  
*John Allen*, Pensance, Cornwall, baker, Nov. 11 at 1, Court  
 of Bankruptcy, London, and. ac.—*James Johnson*, Little  
 Abingdon, Cambridgeshire, builder, Nov. 23 at half-past 12,  
 Court of Bankruptcy, London, and. ac.—*Wm. Hitch*, Kings-  
 land, Middlesex, grocer, Nov. 21 at half-past 11, Court of  
 Bankruptcy, London, and. ac. and div.—*Frederick Markby*,  
 Peterborough, Northamptonshire, common brewer, Nov. 23  
 at half-past 12, Court of Bankruptcy, London, and. ac.—  
*Edward Binyon*, Bell's-buildings, Salisbury-square, Fleet-st.,  
 Lon, commission agent, Nov. 23 at 12, Court of Bankruptcy,  
 London, and. ac.—*Robert Noyes*, New Church-street, Lisson-  
 grove, Middlesex, plumber, Nov. 23 at half-past 11, Court of  
 Bankruptcy, London, and. ac.—*G. Hammond*, sen., Havant,  
 Southampton, common brewer, Nov. 23 at 11, Court of Bank-  
 ruptcy, London, and. ac.—*Benj. Crussell*, Croydon, Surrey,  
 glass dealer, Nov. 23 at half-past 11, Court of Bankruptcy,  
 London, and. ac.—*Edward Wright* and *George Wright*, Bod-  
 min, Cornwall, brewers, Nov. 22 at half-past 12, District Court  
 of Bankruptcy, Exeter, and. ac.; Nov. 23 at half-past 12,  
 div.—*John Lambert*, Leeds, cloth merchant, Nov. 23 at 11,  
 District Court of Bankruptcy, Leeds, and. ac.; Nov. 25 at  
 11, div.—*John Crowe*, Sunderland, innkeeper, Nov. 22 at 11,



District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Nov. 23 at 11, fin. div.—*David Scott*, Flint, Flintshire, iron master, Nov. 22 at 12, District Court of Bankruptcy, Liverpool, and ac.; Nov. 24 at 11, div.—*John Atkins*, Birmingham, jeweller, Nov. 22 at half-past 12, District Court of Bankruptcy, Birmingham and ac.; Nov. 25 at 12, div.—*E. D. Hall*, Walsall, Staffordshire, carrier, Nov. 21 at 11, District Court of Bankruptcy, Birmingham, and ac.; Nov. 22 at 11, div.—*Rice Harris*, Birmingham, glass manufacturer, Nov. 28 at 1, District Court of Bankruptcy, Birmingham, and ac.; Nov. 29 at half-past 12, div.—*Wm. Hall*, Birmingham, shoe maker, Nov. 21 at 11, District Court of Bankruptcy, Birmingham, and ac.—*Thos. Lloyd*, Market Deeping, Leicestershire, grocer, Nov. 21 at 12, District Court of Bankruptcy, Birmingham, and ac.; Nov. 22 at 12, div.—*Wm. Henry Smith*, Manchester, hop merchant, Nov. 21 at 12, District Court of Bankruptcy, Birmingham, and ac.; Nov. 22 at 12, div.—*Daniel Smith*, Mayfield, Oakover, Staffordshire, and *John Bingley Smith*, Liverpool, cotton spinners, Nov. 21 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; Nov. 22 at half-past 11, div.—*Richard Tutin*, Birmingham, builder, Nov. 28 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.; Nov. 29 at 12, div.—*J. Wilson*, sen., *William Newton*, *James Wilson*, jun., *Henry Newton*, and *George Wilson*, Derby, colour manufacturers, Nov. 21 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; Nov. 22 at 11, div.—*Barnard Lindsay Watson*, Cornhill, London, and Gordon-square, St. Pancras, Middlesex, and Queensborough, Kent, manufacturer of flags, Nov. 23 at half-past 11, Court of Bankruptcy, London, div.—*John Bradley*, Great Titchfield-street, Mary-le-bone, Middlesex, printer, Nov. 23 at 12, Court of Bankruptcy, London, div.—*Henry Potts*, Valentine-terrace, Blackheath-road, Kent, builder, Nov. 21 at half-past 12, Court of Bankruptcy, London, fin. div.—*Edmund Bumpstead*, Halesworth, Suffolk, grocer, Nov. 21 at 12, Court of Bankruptcy, London, div.—*Jas. Wm. Sumner*, Reading, Berkshire, builder, Nov. 21 at 1, Court of Bankruptcy, London, div.—*John Wilshin*, Reading, Berkshire, draper, Nov. 21 at half-past 12, Court of Bankruptcy, London, div.—*Thomas Fever*, Ludgate-hill, London, mercer, Nov. 21 at 11, Court of Bankruptcy, London, div.—*John Fawcett*, John-street, St. Sepulchre, Middlesex, coach builder, Nov. 21 at 1, Court of Bankruptcy, London, div.—*Mark Pearson*, Workington, Cumberland, chemist and druggist, Nov. 21 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Adolphus Blumenthal*, Birmingham, Warwickshire, wine merchant, Nov. 25 at half-past 12, and Nov. 27 at 12, District Court of Bankruptcy, Birmingham, div.—*George Jellicoe*, Bilston, Staffordshire, iron master, Nov. 22 at half-past 11, District Court of Bankruptcy, Birmingham, div.—*William Vans*, Old-street, Middlesex, upholsterer, Nov. 29 at 1, Court of Bankruptcy, London, last ex.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*John Jeans*, Poole, postmaster, Nov. 21 at 1, Court of Bankruptcy, London.—*Judah De Jacob Pariente*, Bury-st., St. Mary-axe, London, merchant, Dec. 5 at 11, Court of Bankruptcy, London.—*William Royston*, Manchester, yarn dealer, Nov. 23 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Nov. 21.

*Thos. Brownlow*, jun., Marton Port, Lincolnshire, maltster.—*George Salter*, Davies-street, Middlesex, builder.—*George Heathcote*, Sheffield, Yorkshire, spring-knife manufacturer.—*Thomas Fortune*, King's-cross, Battle-bridge, Middlesex, cabinet manufacturer.—*Wm. Reynolds* and *John T. Fairbank*, Sheffield, Yorkshire, builders.—*Joseph Wright*, St. Sidwell, Exeter, builder.—*Henry Hilton*, Over Darwen, Lancashire, bleacher.—*Fred. Roberts*, New Bond-st., and Gower-street North, Middlesex, coal merchant.—*William Nixon*, Boston, Lincolnshire, ironmonger.—*Edmund B. Kilpin*, Ryde, Isle of Wight, Southampton, watchmaker.

#### FIAT ANNULLD.

*Samuel Burges*, Dunstable, Bedfordshire, tailor.

#### PARTNERSHIP DISSOLVED.

*Sturley Neam* and *Wm. Henry Sams*, Ixworth and Bury St. Edmund's, Suffolk, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Barclay*, jun., Montrose, merchant.—*Dinah Morrison* and *James Morrison*, Falkirk, farmers.—*Wm. Allen*, Leith, insurance broker.—*John Weir*, Cumnock, Ayrshire, iron merchant.

#### DECLARATIONS OF INSOLVENCY.

*W. Rush*, jun., St. John's Sepulchre, Norwich, unemployed. *Edward Bayley*, Broadway, St. Paul, Deptford, Kent, out of business.

*Edward Shardlow*, Sutton Bonington St. Michael's, Nottinghamshire, blacksmith.

*Edward Casement*, West-street, Neckinger, Bermondsey, Southwark, Surrey, carpenter.

*Ann Tilly*, Salisbury-street, Strand, lodging-house keeper.

*Marie Madelaine Piotex*, spinster, Kenton-street, Brunswick-square, Middlesex, milliner.

*Richard Butler*, Cow-cross-street, St. Sepulchre Without, Middlesex, cheesemonger.

*Joseph Norris*, Norfolk-terrace, Dalston, Hackney, Middlesex, commission-agent.

*J. Butt*, Whetstone, Friern Barnet, Middlesex, harness maker.

*Turpin Carter*, St. John-street, West Smithfield, Middlesex, house and general agent.

*Thomas Taylor*, Macclesfield, Prestbury, Cheshire, licensed victualler.

*Thomas Bradley*, Netherton, Almondbury, Yorkshire, out of business.

*Isaac Thompson*, Tortexth-park, Walton, Liverpool, rent and debt collector.

*Isaac Leayman*, East Mount-terrace, near the London Hospital, Whitechapel-road, Middlesex, jet manufacturer.

*Wm. Blenkins*, Kirkgate, Leeds, Yorkshire, beer-house keeper.

*Wm. Green*, Bingley, Yorkshire, green-grocer.

*James Hale*, Parker-street, Drury-lane, Middlesex, bedding manufacturer.

*Geo. Beeforth*, Leeds, Yorkshire, patten manufacturer.

*Thomas Atkinson Salter*, Manningham, Bradford, Yorkshire, warehouseman.

*Wm. Williams*, Llanrwst, Denbighshire, brazier.

*George Butten*, Wakefield, Yorkshire, watch maker.

*William D. Smith*, Albany-road, Camberwell, Surrey, clerk in her Majesty's Customs.

*Edward Soutten*, Francis-street, Waterloo-bridge-road, Lambeth, Surrey, gentleman.

*William Poole*, jun., Market-street, St. John's-street, Clerkenwell, Middlesex, out of business.

*Wm. Thom*, Blackburn, Lancashire, travelling draper.

*Thomas Bell*, Pendre-cottage, near Holywell, Flintshire, attorney's clerk.

*Henry Adams Newman*, Wellington-place, Stepney, Middlesex, grocer.

*Wm. Collings*, Maze, Tooley-street, Southwark, Surrey, pump maker.

*George Field*, Little Carter-lane, Doctors'-commons, London, shoemaker.

*Charles Harris*, Clarence-place, High-street, Camberwell, Surrey, licensed retailer of beer.

*James Harris*, sen., Greenwich, Kent, military musical instrument teacher.

#### INSOLVENT DEBTORS.

Saturday, Oct. 28.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Wm. Woodyat*, Lower Wilcroft, Lugwardine, Herefordshire, farmer, No. 63,760 C.; *J. H. Matthews*, assignee.

*Wm. Hewett*, jun., Richmond, Surrey, chandler's shopkeeper, No. 55,659 T.; *Wm. Harding* and *James Warner*, assignees.

*James West*, Little Cowarne, Herefordshire, farmer, No. 63,481 C.; *J. H. Matthews*, assignee.—*Fras. A. Allick*, Oxford, licensed victualler, No. 63,815 C.; *Wm. Grimbles*, assignee.

*Chas. Catley*, Stepney, Middlesex, publican, No. 55,724 T.; *Henry Larchin*, assignee.—*Wm. Dalston*, Stanwix, Cumberland, brewer's clerk and book-keeper, No. 58,371 C.; *John Stoddart*, assignee.—*Edward Rogers*, Reading, Berkshire, brewer, No. 63,710 C.; *John Grey*, assignee.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, Nov. 20 at 9.

*Guglielmo Comelati*, Great Russell-st., Bloomsbury, Mid-

deeser, teacher of languages.—*Francis Kingdon*, Peacock-terrace, Walworth-road, Surrey, commercial traveller.—*H. G. H. Bryant*, King's-road East, Chelsea, Middlesex, trunk maker.—*John Lowthian*, Gateshead, Durham, out of business.—*Thomas Tull*, Baker-street, Bedford-square, Commercial-road East, Middlesex, superannuated excise officer.—*John E. Chapman*, Meadow-place, Kennington-oval, Surrey, clerk to a wine merchant.—*Fred. Crook*, Mary-le-bone-street, Middlesex, shopman.—*David Apple*, Whitmore-street, Hoxton, Middlesex, general dealer.—*George Beardsley*, jun., Lowdham, near Nottingham, lace maker.—*Stephen J. Wicks*, Batchelor's-row, King's-cross, shopman to a shoemaker.—*J. Crutch*, Clift-street, New North-road, Hoxton, Middlesex, sub-sorter in the General Post Office, St. Martin's-le-Grand.—*Fred. B. Dowland*, Berwick-street, Soho, Middlesex, carpenter.

Nov. 21, at the same hour and place.

*John Chase*, High-street, Hoxton Old-town, out of business.—*W. B. J. Marsh*, Wardour-street, Soho, Middlesex, engineer.—*George Davies*, Upper John-street, Thornhill-road, Barnsbury-park, Islington, Middlesex, tailor.—*James Banks*, jun., Turnagain-lane, Farringdon-street, London, assistant to a printer's broker.—*James Watkins*, Hampstead, Middlesex, victualler.—*John Stafford Thomas*, Lambeth-road, Surrey, printer.—*James Peter Munting*, Ship-yard, Strand, Middlesex, dealer in unredeemed pledges.—*Thos. E. Southes*, London-road, Southwark, Surrey, out of business.—*Wm. J. Baggett*, Great Charlotte-street, Blackfriars-road, Surrey, out of business.—*Ann Blanchard*, North-street, Fitzroy-square, Middlesex, out of business.—*Chas. L. Baker*, Lloyd's-row, Clerkenwell, Middlesex, coachman.—*Geo. F. Ince*, Drummond-street, Euston-square, Middlesex, coach-body maker.

Court-house, BODMIN, Cornwall, Nov. 18 at 10.

*Thomas Symons*, Tintazel, farm servant.

Court-house, LANCASTER, (County), Nov. 17 at 10.

*Joseph Kenrick*, Preston, licensed victualler.

Nov. 21, at the same hour and place.

*Wm. Elliott*, Preston, flax spinner.—*Jas. Bromley*, Preston, mill maker.—*Wm. Wyke*, Preston, butcher.—*R. Walker*, Treah-mill, Treahs, near Kirkham, miller.—*Wm. Hind*, Preston, out of business.—*Joseph Horrocks*, Rusholme, near Manchester, out of business.—*Jos. Geo. Meadowcroft*, Lancaster, shoemaker.—*James Bardsley*, Manchester, butcher.—*Henry Eccles*, Salford, out of business.—*Benj. Mahin*, Southport, dealer in ale.—*John Ball*, Preston, glass cutter.—*Matthias Bond*, Simons-wood, near Ormskirk, husbandman.—*Thomas Storey*, Liverpool, dealer in tobacco.—*L. Tomkinson*, Preston, accountant.—*J. Illingworth*, Eadsford-bridge, near Clitheroe, labourer.—*Isabella Metcalfe*, Caton, near Lancaster, widow, out of business.—*John Cave*, Bangers-green, Hallsall, near Ormskirk, farmer.—*Robt. Hopwood*, Blackburn, licensed victualler.—*David Moseley*, Manchester, out of business.—*R. Rowe*, Manchester, joiner.—*Robert M'Cornick*, Manchester, joiner.

Nov. 22, at the same hour and place.

*Hen. Sharp*, Bretherton, near Ormskirk, labourer.—*And. Conkey*, Preston, labourer.—*Charlotte Brown*, Harpurtry, near Manchester, lodging-house keeper.—*William Harrison*, jun., Preston, car driver.—*Benj. Morgan*, Liverpool, licensed victualler.—*Edw. Forrest*, Manchester, licensed victualler.—*Edw. Worrall*, Manchester, brush manufacturer.—*J. Clarke*, Alkrencham, Cheshire, out of business.—*Taylor Jennings*, Liverpool, banker's clerk.—*Jas. Breckell*, Blackburn, retail coal dealer.—*William Stawpert*, Shevington, near Wigan, labourer.—*Lauchlin Mackey*, Salford, foreman to a tailor.—*Jos. Prince*, Pendleton, near Manchester, agent for the sale of iron.—*Eaton Milnes*, Liverpool, linen draper.—*John Wright Mason*, Liverpool, slater.—*Wm. Mason*, Manchester, out of business.—*Hugh Howard*, Folly-hall, Little Woolton, near Liverpool, gardener.—*Hen. Cowell*, Friargate, Preston, clogger.—*Thos. Cowell*, Preston, assistant brewer.—*Geo. Bennett*, Runcorn, Cheshire, boatman.—*John Leat*, Preston, out of business.

Nov. 23, at the same hour and place.

*Hen. Gould*, Manchester, dealer in hops.—*Dev. J. Henry*, Liverpool, civil engineer.—*Thos. Smith*, Preston, flogger.—*Thos. Bramley*, Preston, weaver.—*Nancy Houghton*, Preston, out of employment.—*Thos. Norris*, Preston, boiler maker.—*Thos. Charnock*, Preston, dyer.—*Chas. B. Shields*, Manches-

ter, tailor.—*Robt. Taylor*, Bishopsgate, Preston, farmer's labourer.—*Jos. Lachman*, Manchester, assistant to a lace dealer.—*James Wilkinson*, Chorlton-upon-Medlock, Manchester, butcher.—*John Newton*, Manchester, cotton waste dealer.—*Thos. Osley*, Salford, labourer.—*Wm. Sutcliffe*, Collyhurst, overlooker of a cotton mill.—*John Dentish*, Liverpool, out of business.—*Thos. Hardcastle*, Bolton-le-Moors, bookkeeper.—*Wm. Andrew*, Manchester, attorney at law.—*Sam. Wood*, Preston, out of business.

Court-house, STAFFORD, (County), Nov. 20 at 10.

*Jas. Potts*, Stoke-upon-Trent, out of business.

Court-house, SHREWSBURY, Shropshire, Nov. 23 at 10.

*John Jones*, Whittington, out of employ.—*Thos. Walton*, sen., Alderley-lane, near Wem, carpenter.—*John Jones*, Pontesbury, near Shrewsbury, out of employ.—*John Ison*, Wellington, retail beer seller.—*Th. Pemberton*, Oswestry, ostler.—*Silvanous P. Jones*, Wellington, retail beer seller.—*James Hodgeon*, Norbroom, Newport, prisoner in the gaol of Wellington.—*Wm. Kynaston*, Leighton, labourer.—*Wm. Morris*, Newport, travelling commission agent.—*Samuel E. Walter*, Ironbridge, near Shifnal, auctioneer.—*Thos. Smallman*, Dawley, near Wellington, out of employ.—*Robt. Robinson*, Donnington-wood, near Wellington, shoe maker.

Court-house, EXETER, Devonshire, Nov. 22 at 10.

*Thos. Carder*, Newport, coal dealer.—*Thos. Sellwood*, jun., Axminster, horse dealer.—*John Hodge*, Colyton, currier.—*Phil. Gammon*, Ilfracombe, farmer.—*Amos Gammon*, Dean-farm, Ilfracombe, farmer.—*Thomas Cawsey*, Assell's-farm, farmer.—*Charity Treby*, spinster, Plympton Maurice.—*Robt. Brewer*, Cheriton-farm, Payhambury, out of business.—*John Jennings*, Crediton, dealer in pigs.—*Wm. Palmer*, Exeter, out of business.—*Thomas Howe*, Uffenlen, tailor.—*Abraham Manley*, sen., Halberton, out of business.—*Sarah Guard*, Starcross, out of business.

Court-house, EXETER, (City), Nov. 22 at 10.

*Geo. Blacking*, Exeter, tailor.—*Thomas Taverner*, Exeter, butcher.—*Wm. Bolt*, Exeter, mason.—*Jas. Wright*, Exeter, coal agent.

Adjourned.

*Anthony Vicary*, Exeter, out of business.

INSOLVENT DEBTORS' DIVIDENDS.

*John Jas. Willan*, Amwell-st., Pentonville, Middlesex, proprietor of a Brighton stage coach: 1s. 6½d. in the pound.—*Hen. B. Burwood*, Great Yarmouth, Norfolk, fish merchant: 1s. 8½d. in the pound.—*Robt. Hacking*, Padidham, near Burnley, Lancashire, stone mason: 10½d. in the pound.—*Colin B. Greenhill*, Manor-terrace North, Chelsea, Middlesex, clerk in the Ordnance Office: 3s. 6½d. in the pound.—*Wm. Brew*, Hayes and Uxbridge, Middlesex, captain in the Royal West Middlesex Militia: 3s. 6d. in the pound.—*Thos. L. Bhundell*, Lombard-st., London, physician: 4½d. in the pound.—*Martin Rawling*, Godfrey-street, Chelsea, superannuated clerk in the E. I. C. S.: 2s. in the pound (making 20s.)

Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.

MEETING.

*Nicholas Strong*, Exeter, out of business, Nov. 18 at 12, Terrell's, Exeter, sp. aff.

FRIDAY, NOVEMBER 3.

BANKRUPTS.

**THOMAS HILSON GILES**, Bow, Middlesex, omnibus proprietor, Nov. 16 and Dec. 12 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Lewis, Arundel-st., Strand.—Fiat dated Oct. 30.

**GEORGE LAWES**, Southampton, tailor and draper, Nov. 14 at half-past 12, and Dec. 13 at half-past 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Dawes & Sons, Angel-court, Throgmorton-street.—Fiat dated Oct. 30.

**JASPER HOWSE TIPPLE**, Wymondham, Norfolk, bombazine manufacturer, Nov. 10 at half-past 1, and Dec. 20 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Dalrymple, Norwich; Bircham, Bedford-row, London.—Fiat dated Oct. 24.

JOHN SMITH, Liverpool, draper, Nov. 15 and Dec. 15 at 11, District Court of Bankruptcy, Liverpool: Off. Asa. Cazenove; Sols. Dodge, Liverpool; Reed & Shaw, 2, Friday-street, Cheshire, London.—Fiat dated Oct. 20.

GEORGE MUIR, Newcastle-upon-Tyne, draper, Nov. 15 at 1, and Dec. 12 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Asa. Baker; Sols. Cram, Newcastle-upon-Tyne; Plumpton, Temple, London.—Fiat dated Oct. 24.

WILLIAM WARREN, Pownall Fee, Wilmslow, Cheshire, blacksmith and pump maker, Nov. 15 and Dec. 15 at 12, District Court of Bankruptcy, Manchester: Off. Asa. Pott; Sols. Foster, Manchester; Nethersole, 15, Essex-street, Strand, London.—Fiat dated Oct. 30.

HENRY GRIFFITHS, Chelford, Cheshire, innkeeper, Nov. 15 and Dec. 6 at 12, District Court of Bankruptcy, Manchester: Off. Asa. Hobson; Sols. J. & T. Roscoe, Knutsford; Cole, 4, Adelphi-terrace, Strand, London.—Fiat dated Oct. 24.

#### MEEVINGS.

Wm. Bates, Welbeck-street, Cavendish-square, Middlesex, auctioneer, Nov. 14 at 12, Court of Bankruptcy, London, last ex.—Jas. Sell, Union-street, Southwark, Surrey, baker, Nov. 13 at 12, Court of Bankruptcy, London, last ex.—Nathaniel Wegg, East Greenwich, Kent, victualler, Nov. 24 at half-past 11, Court of Bankruptcy, London, and. ac.—Isaac Bell, Newcastle-upon-Tyne, earthenware manufacturer, and John Davison, Martin, Yorkshire, farmer, Nov. 27 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Nov. 28 at 11, fin. div.—Thos. Walker, Monkwearmouth, Durham, common brewer, Nov. 27 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and. ac.; Nov. 28 at 1, fin. div.—Betty Thorniley, Broadbottom, Mottram, Londendale, Cheshire, grocer, Nov. 27 at 12, District Court of Bankruptcy, Manchester, and. ac.—Eema Leyshon, Cardiff, Glamorganshire, auctioneer, Nov. 28 at 11, District Court of Bankruptcy, Bristol, and. ac.—George Cleverley, Calne, Wiltshire, builder, Nov. 29 at 11, District Court of Bankruptcy, Bristol, and. ac.—Wm. Butler, Hall's farm, Holt, Wiltshire, victualler, Nov. 28 at 12, District Court of Bankruptcy, Bristol, and. ac.—Thos. Sleeman, Tenby, Pembrokeshire, wine merchant, Dec. 4 at 12, District Court of Bankruptcy, Bristol, and. ac.; Dec. 5 at 12, div.—Nath. Cavanagh, Wm. Brown, and Henry Brown, Bath, and Bristol, bankers, Dec. 4 at 11, District Court of Bankruptcy, Bristol, and. ac.—Hen. Lewis, Haverfordwest, cabinet maker, Dec. 4 at 1, District Court of Bankruptcy, Bristol, and. ac.; Dec. 13 at 1, div.—Joseph Parry, Haverfordwest, draper, Dec. 13 at 11, District Court of Bankruptcy, Bristol, and. ac.—Samuel Polak, Newport, Monmouthshire, woollen draper, Nov. 29 at 11, Court of Bankruptcy, London, div.—Thomas Radcliffe, Birmingham, stationer, Nov. 25 at 1, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

John Pritchard, Witney, Oxfordshire, iron founder, Dec. 12 at 2, Court of Bankruptcy, London.—Wm. S. Walker, Pall-mall East, Middlesex, cake maker, Nov. 25 at 12, Court of Bankruptcy, London.—A. Reid, Waterloo-place, Middlesex, and Brumbo, Denbighshire, iron manufacturer, Nov. 24 at half-past 11, Court of Bankruptcy, London.—S. Polak, Newport, Monmouthshire, woollen draper, Nov. 29 at 11, Court of Bankruptcy, London.—J. Harris, Leicester-square, Middlesex, carpet warehouseman, Dec. 1 at half-past 12, Court of Bankruptcy, London.—D. H. Brown, Haverfordwest, linen draper, Nov. 27 at 11, District Court of Bankruptcy, Bristol.—James Gregory, Sheffield, manufacturer of table knives, Nov. 27 at 11, District Court of Bankruptcy, Leeds.—T. O. Hazard and H. Bingham, Sheffield, merchants, Dec. 4 at 11, District Court of Bankruptcy, Leeds.—J. R. Munden, Barwick, near Yeovil, Somersetshire, flax and tow spinner, Nov. 29 at 1, District Court of Bankruptcy, Exeter.—Stephen Boulton, W. Greenbank, Thos. Boulton, and John Duncalf, Nov. 28 at 11, District Court of Bankruptcy, Birmingham.—Thos. Osborn, Aston-juxta-Birmingham, banker, Nov. 28 at 11, District Court of Bankruptcy, Birmingham.—Geo. Oldham, Manchester, wine merchant, Nov. 29 at 12, District Court of Bankruptcy, Manchester.—Thos. Humble, Ardwick, Manchester, grocer, Nov. 27 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 24.

Thomas Bull, Blythe Marsh, Dilbera, Staffordshire, farmer.—C. H. Griffiths, Enfield, Middlesex, draper.—W. Howarth, Manchester, drysalter.—Alfred Harris, Chichester, Sussex, hotel keeper.—Geo. Chapman, Pullin's-place, Islington, Middlesex, cowkeeper.—John T. Nash, York, mustard manufacturer.—Jos. Varty, St. Paul's Church-yard, London, merchant.—C. B. Buchanan and W. Cunningham, Liverpool, merchants.—S. F. Parsons, Pontardawe, Llanguick, Glamorganshire, iron founder.

#### FIAT ANNULLED.

Richard Sharpe, jun., Faversham, Kent, draper.

#### SCOTCH SEQUESTRATIONS.

John Rome and Co., Glasgow, upholstery furnishers.—Jas. Millar, Edinburgh, provision merchant.—Jas. Young, Glasgow, manufacturer.

#### DECLARATIONS OF INSOLVENCY.

John Chapman, Cullum-street, London, cooper.  
Wm. Elam, Heckmondwike, Birstall, Yorkshire, card maker.  
James Stevens, Upper Queen-street, Islington, Middlesex, out of business.  
J. E. Dwyck, Princes-square, Ratcliff-highway, Middlesex, foreman to an oil refiner.  
Thos. Bassett, Grey-terrace, Great Dover-street, Newington, Surrey, clerk at a waggon office.  
John Paul Evans, Bedford-square East, Stepney, Middlesex, traveller to a Manchester warehouseman.  
Richard Yeomans, Whetstone, Leicestershire, baker.  
T. A. H. Greville, High-street, Hoxton Old-town, Shoreditch, Middlesex, butcher.  
G. Whitehorn, Berkhamstead St. Peter, Hertfordshire, tailor.  
John Beard Oram, West-square, Southwark, clerk to a wine merchant.  
Thomas Turner, Wakefield, Yorkshire, butcher.  
J. Mellor, Meltham, Almondsbury, Yorkshire, cloth merchant.  
James Millard, Warren-street, Fitzroy-square, Middlesex, out of business.  
John Parkin, Wakefield, Yorkshire, keeper of a beer-house.  
David Speak, Halifax, Yorkshire, common carrier.  
M. Palewkar, Upper Fountain-place, St. Luke's, Middlesex, tobacconist.  
Joseph Gray, Harborne, Staffordshire, victualler.  
Samuel Aquith, Bradford, Yorkshire, butcher.  
Wm. Roberts, Haverfordwest, excise officer.  
James Burrow, Chard, Somersetshire, farmer.  
Frederick Ambridge, Brewer-street, Somers'-town, St. Pancras, Middlesex, coal dealer.  
Jas. Langley, Webber-street, Westminster-road, Southwark, Surrey, coach-spring maker.  
James Darkin, Saracen's Head-yard, Aldgate, London, livery-stable keeper.  
James Maguire, Temple-place, Great Surrey-street, Southwark, Surrey, out of business.  
Eliza Morris Hague, Duke-street, St. James's, Piccadilly, Middlesex, out of business.  
John Sinclair, Wallington-place, Wandsworth-road, Lambeth, Surrey, fruiterer.  
Edward Sergeant, Armley, Leeds, Yorkshire, painter.  
John Coleman Lee, Toxteth-park, Lancashire, locker in her Majesty's customs at Liverpool.  
Elizabeth Lindridge, Maidstone, Kent, news agent.  
George Bradshaw, Blackburn, Lancashire, attorney at law.  
James Sutton, Winstone, near Cirencester, Gloucestershire, out of business.  
Robert Hampshaw, Leeds, Yorkshire, blacksmith.  
William Scott, Euston-square, St. Pancras, Middlesex, out of business.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Wednesday, Nov. 22 at 9.

Robert Rogers, Hertford-road, Kingsland-road, Hackney, Middlesex, out of business.—Henry Prater, Penton-grove, Penton-street, Pentonville, Middlesex, barrister at law.—Jos. Davies, Great Trinity-lane, London, milkman.—Benj. Brown, Granby-street, Waterloo-road, Lambeth, Surrey, saloon keeper at Astley's amphitheatre.—Edw. Pennell, jun., Peckham Footpath, Old Kent-road, gardener.—Wm. Shonfeld, James-st., York-street, Walworth-road, Surrey, shoemaker.—George F.

*Eggs*, Deptford, Kent, gas fitter.—*Edw. Althoright*, jun., Deptford, Kent, out of business.—*Thos. Alfred Phillips*, St. George's-place, Walworth-road, Surrey, painter.—*J. Thornton*, Red Lion-street, High Holborn, Middlesex, hair cutter.—*Chas. Neall*, Twickenham, Middlesex, grocer.—*Wm. Betty*, Brookgreen-place, Hammersmith, Middlesex, carpenter.

Nov. 27, at the same hour and place.

*Edwin Warner Russell*, Clayton-street, Kennington, omnibus driver.—*Jos. Dennison*, Lambeth-walk, Surrey, green-grocer.—*Wm. Job. Liddington*, Margaret-street, Cavendish-square, Middlesex, piano-forte tuner.—*Chas. Brown*, Friend's-place, Peckham, Surrey, general clerk.—*Geo. Wm. Bright*, Queen-street, Duke-street, Grosvenor-square, Oxford-street, Middlesex, butcher.—*Henry Tyler*, Mansfield-street, Kingsland-road, Middlesex, commission agent.—*Daniel Caulfield*, Dempsey-street, Stepney, Middlesex, captain of the 7th Regiment of Fusiliers on half-pay.—*Jas. Bragg*, High-street, Wapping, Middlesex, builder.—*Wm. John Wise*, Church-lane, Commercial-road, Whitechapel, Middlesex, engineer.—*Edw. Turbill*, Great James-street, Lisson-grove, Middlesex, grocer.—*William Peel*, Denver-street, King's-road, Chelsea, Middlesex, out of business.—*Thos. Chas. Grestores*, Parliament-street, Westminster, Middlesex, wine merchant.

Court-house, LANCASTER, (County), Nov. 24 at 10.

*Wm. Dickenson*, Orrell, near Wigan, nail maker.—*Thomas Strickland*, Preston, beer seller.—*Jos. Sharples*, Openahaw, commission agent.—*Thos. Johnson*, Hulme, Manchester, timber dealer.—*Pet. Burtonwood*, Cockhedge, Warrington, over-looker of power looms.—*Thos. Tegg*, Manchester, grocer.

Court-house, HERTFORD, (County), Nov. 24 at 10.

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Court-house, BIRMINGHAM, Warwickshire, Nov. 27 at 10.

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#### MEETING.

*John Bowen*, Pump-house, near Berriew, Montgomeryshire, farmer, Nov. 20 at 11, R. D. & J. P. Harrison's, Welch Pool, sp. aff.

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# The Jurist

No. 357.

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LONDON, NOVEMBER 11, 1843.

IN a recently published number of Meeson & Welsby's Reports, (vol. 11, part 2), two cases are reported relative to what rights of action pass to the assignees of a bankrupt. As this is a subject of some practical importance, we propose to notice them in our present number, and, in doing so, to call our readers' attention to the law on this subject generally.

The right of the assignees is founded upon sects. 12 and 63 of the 6 Geo. 4, c. 16, the former of which enacts, that the commissioners shall "have full power and authority to take such order and direction with the body of such bankrupt as hereinafter mentioned, as also with all his lands, tenements, and hereditaments, both within this realm and abroad, as well copy or customary hold as freehold, which he shall have in his own right before he became bankrupt, as also with all such interest in any such lands, tenements, and hereditaments as such bankrupt may lawfully depart withal, and with all his money, fees, offices, annuities, goods, chattels, wares, merchandise, and debts wheresoever, they may be found or known, and to make sale thereof in manner hereinafter mentioned, or otherwise order the same, for the satisfaction and payment of the creditors of the said bankrupt." And the 63rd section enacts, "That the commissioners shall assign to the assignees, for the benefit of the creditors of the bankrupt, all the present and future personal estate of such bankrupt, wheresoever the same may be found or known, and all property which he may purchase, or which may revert, descend, be devised, bequeathed, or come to him before he shall have obtained his certificate; and the commissioners shall also assign as aforesaid all debts due or to be due to the bankrupt, wheresoever the same may be found or known; and such assignment shall vest the property, right, and interest in such debts in such assignees, as

fully as if the assurance whereby they are secured had been made to such assignees;" and they "shall have like remedy to recover the same in their own names as the bankrupt himself might have had if he had not been adjudged bankrupt." The terms of the above sections comprise not merely personal chattels and debts properly so called, but all rights of action for injuries to personal chattels, and for breaches of contract relative to the personal estate of the bankrupt, whereby that estate is prevented from coming to the hands of the assignees or diminished in value. The grounds upon which this construction has been adopted are stated in *Hancock v. Coffyn*, (8 Bing. 358). "When," says Tindal, C. J., in that case, "the statute directs an assignment of all the bankrupt's present personal estate, how can we except a right in respect of which the fund accruing to the creditors would receive compensation to the extent to which the property of the bankrupt has been diminished?" And to the same effect; is *Wright v. Fairfield*, (2 B. & Adol. 727). The assignees' right upon the bankrupt's contracts is also well illustrated by the case of *Gibson v. Carruthers*, (8 Mee. & W. 321), which was an action by the assignees of a bankrupt for the breach of a contract entered into by him with the defendant for the purchase of a quantity of Odessa linseed to be shipped at Odessa on board a vessel chartered by the bankrupt, who had despatched a vessel to that place accordingly, but the defendant had refused to deliver the linseed on board. It was held by Parke, Gurney, and Rolfe, Barons, dissentiente Lord Abinger, that the assignees had a good cause of action; and that a plea, that they did not, within a reasonable time after the bankruptcy and the arrival of the vessel at Odessa, give notice to the defendant of their intention to adopt the contract, formed no answer. Our limits will permit us but to allude to the judgments pronounced by the learned judges, by all of

whom the principle was fully admitted, that the effect of the assignment was to vest in the assignees every beneficial matter belonging to the bankrupt's estate, and amongst the rest, the right of enforcing unexecuted contracts, by which benefit may accrue to that estate, and such as may be performed on the part of the bankrupt by the assignees. The contracts, therefore, which the assignees may enforce are those by which benefit may accrue to the bankrupt's estate; and the cases we have alluded to relate to the meaning of this definition. Of contracts made by a bankrupt, it must be obvious to our readers that there may be several kinds. Some may be for the purchase or sale of goods, as in *Gibson v. Carruthers*, some for the performance of work or the application of labour upon or to his lands or goods, some for personal services to be rendered by or to him, and others of a mixed nature, being partly of the second and partly of the third kind; or the contract may relate only to the person, but the breach of it may be a damage not to the person only, but to the personal estate. For instance, as is said by Parke, B., "If, in the case of negligent carriage or cure, there were consequential damage, that the plaintiff had expended his money or had lost the profits of a business or the wages of labour for a time; or suppose a joint contract to carry both the person and the goods, and both were injured." It is principally with such as the last two kinds of contracts that the difficulty has arisen of deciding whether or not the right of enforcing them passes to the assignees.

In *Beckham v. Drake*, reported originally in 8 Mee. & W. 856, and afterwards in error, 11 Mee. & W. 315, (*Drake v. Beckham*), the plaintiff had agreed to serve the defendants as foreman in their business of type-founders, &c., for seven years, and during that time not to be engaged in business on his own account or for any other person; and the defendants had agreed to pay him wages after a certain rate. This agreement having been broken by the defendants, and the plaintiff having brought an action against them, they pleaded that he had become a bankrupt, to which he demurred. The court gave judgment for the plaintiff, for the reason, as stated by Parke, B., by whom it was delivered, that no case had gone so far as to hold that any right of action passed to the assignees on a contract which related to the person only, by reason of consequential damages to the estate, and it could not be lost altogether; and the sounder principle seemed to be, that the bankrupt should sue upon it, as it related to his person, and that the assignees could only sue for the breach of such contracts as in their nature related to personal estate, or to some subject of property which passed to them. This was reversed in the Exchequer Chamber; the court of error, in their judgment, insisting upon the general rule, "that every beneficial interest which the bankrupt has shall be disposed of for the benefit of his creditors." The argument, that a contract for the personal skill of a bankrupt does not pass to the assignees, is answered by saying, that it is not necessary that the contract should pass; it suffices that the right of action upon it vested in the bankrupt before his bankruptcy passes. In the case before us, the agreement was broken before the bankruptcy, and this reasoning is therefore applicable to it. But suppose the case of a

breach of a contract for the personal skill of the bankrupt happening after the bankruptcy: in such a case, the assignees could sue only on the ground that the contract had passed to them, there being no right of action when they were appointed. It seems to have been admitted by the court of error, that the contract would not pass; and therefore we may conclude, that, with respect to a contract for the personal skill of the bankrupt, the distinction is this—that, if it is broken before the bankruptcy, the right of action for the breach passes to the assignees; but, if broken afterwards, then, as the contract does not pass to them, they cannot sue, unless where the bankrupt has not obtained his certificate, in which case his right of action, though accruing after the bankruptcy, vests in them. Baron Parke, in the judgment in the court below, alluded to the cases of a breach of a contract relating to the person, but with consequential damages by which the personal estate would be affected. With respect to such, it is said by the Court of Error, "There is no doubt that a right of action for an injury to the body or feelings of a trader, arising from a tort independent of contract, does not pass to his assignees, ex. gr. for an assault and battery, or for the seduction of a child or servant; and the same may be said of some personal injuries arising out of breaches of contracts, such as contracts to cure or to marry; and if in the cases last supposed, a consequential damage to the personal estate follows from the injury to the person, that may be so dependent upon and inseparable from the personal injury which is the primary cause of action, that no right to maintain a separate action in respect of such consequential damage will pass to the assignees of a bankrupt—in all those cases, the primary cause of action is of a nature, properly speaking, personal, and the right to maintain it would die with the bankrupt."

The rule seems to be this: if the injury be primarily to the person, and the injury to the estate but a consequence of it, it does not pass to the assignees; but if on the other hand, the injury be primarily to the estate, although there may be consequential injury to the person, it does pass. And where the injury arises from a breach of contract, reference must also be had to the distinction before noticed, whether it be before or after the bankruptcy. The above rule is further illustrated by the other case alluded to at the beginning of this article. *Spence v. Rogers* (11 Mee. & W. 191) was an action for a trespass in the dwelling-house and garden of the plaintiff, with a plea, that, after the trespass, he became bankrupt, which was held to be bad. "There is," says the judgment, "a *prima facie* title in the plaintiff, and the plea ought to shew that it has been taken out of him. The defendant does not shew that this land ever passed to the assignees. The injury to the land was long before the bankruptcy, and the plaintiff may have sold it after the trespass and before the bankruptcy." If it had appeared that the land had passed to the assignees, the right of action would then have been one "in respect of which the fund accruing to the creditors would receive compensation to the extent to which the property of the bankrupt had been diminished," and as such have passed to the assignees. At least, such seems to be the opinion of the Court of Exchequer, and it is in accordance with the principles



laid down in the other case. Perhaps, however, this point cannot be considered as settled.

#### OF THE REMEDIES FOR ARREARS OF RENT-CHARGE, UNDER THE 6 & 7 WILL. IV. c. 71, IN CERTAIN CASES.

A point of some practical difficulty arises in reference to the remedies of owners of rent-charges, under the Tithe Commutation Act, for arrears of rent-charge, as against railway companies. The sort of case to which we refer is, where a railway has been made under an act passed since the Tithe Commutation Act, extending over a portion of land subject, under the latter act, to the parliamentary rent-charge; there being, neither on such portion of land nor within the parish, any station or any kind of property except the rails and the trains passing over the line; and the removal of the rails, and obstruction in any manner of the road, being guarded against by penal clauses, in the manner usual in railway acts.—The question is, if arrears of the rent-charge are due, how is the owner to recover them?

The 81st section of the Tithe Commutation Act enacts, "That, in case the said rent-charge shall at any time be in arrear and unpaid for the space of twenty-one days next after any half-yearly day of payment, it shall be lawful for the person entitled to the same, after having given or left ten days' notice in writing at the usual or last known residence of the tenant in possession, to distrain upon the lands liable to the payment thereof, or any part thereof, for all arrears of the said rent-charge, and to dispose of the distress when taken, and otherwise to act and demean himself in relation thereto, as any landlord may for arrears of rent reserved on a common lease for years, provided that not more than two years' arrears shall at any time be recoverable by distress."

The 82nd section enacts, "That, in case the said rent-charge shall be in arrear and unpaid for the space of forty days next after any half-yearly day of payment, and there shall be no sufficient distress on the premises liable to the payment thereof, it shall be lawful for any judge of his Majesty's courts of record at Westminster, upon affidavit of the facts, to order a writ to be issued, directed to the sheriff of the county in which the lands chargeable with the rent-charge are situated, requiring the said sheriff to summon a jury to assess the arrears of rent-charge remaining unpaid, and to return the inquisition thereupon to some one of his Majesty's courts of law at Westminster, on a day therein to be named, either in term time or vacation; a copy of which writ, and notice of the time and place of executing the same, shall be given to the owner of the land, or left at his last known place of abode, or with his known agent, ten days previous to the execution thereof; and the sheriff is hereby required to execute such writ according to the exigency thereof; and the costs of such inquisition shall be taxed by the proper officer of the court; and thereupon the owner of the rent-charge may sue out a writ of *habere facias possessionem*, directed to the sheriff, commanding him to cause the owner of the rent-charge to have possession of the lands chargeable therewith until the arrears of

rent-charge found to be due, and the said costs, and also the costs of such writ and of executing the same, and of cultivation and keeping possession of the lands, shall be fully satisfied: Provided always, that not more than two years' arrears, over and above the time of such possession, shall be at any time recoverable."

With regard to the remedy by distress given by the first of these clauses, the practical difficulty is to see any mode of obtaining actual possession of any distress, without a breach of the penal clauses of the Railway Act; and even supposing that by means of such breach an actual distress might be found, there would be still the further question, whether a distress so levied would be lawful. Suppose, for instance, the owner of the rent-charge, after due notice, were to seize and take up the rails\*; or first, by means of some obstruction of the road, to cause a stoppage of a train, and then to distrain upon the carriages. It is clear that the act of taking up the rails, or of obstructing the road, would be a tort; and can a man, having a right to distrain, lawfully do so, by taking a distress which he has brought within his reach only by his own tortious act? If the owner of the rent-charge by force compelled the party liable, to bring on the land charged some property, and then distrained it, it can hardly be doubted that in such a case the distress could not be supported; and there seems little difference in principle between causing a distress to be brought on the land by a tortious act, and causing it to be retained there until seized, by a tortious act. Whether, however, a distress obtained by the tortious act of the owner of the rent-charge infringing the penal clauses of the Railway Act, would or would not be lawful, there can be little doubt that, as railway acts are generally worded, the possession by the owner of the rent-charge of the lawful title to distrain would not exempt him from the penalties of the Railway Act. Practically, therefore, any mode of levying a distress, depending on such infraction of the Railway Act, must in most cases be of no value; and the remedy by distress under the 81st section of the Tithe Commutation Act must be treated, for practical purposes, in the sort of case to which we are referring, as in general worthless†.

\* An additional difficulty with regard to taking the rails arises on the question, whether they are not exempt from distress, as affixed to the freehold. "Furnaces, cauldrons, or the like," says Lord Coke, (1 Co. Litt. 47. b.), "fixed to the freehold, or the doors or windows of a house, or the like, cannot be distrained." The question would depend much on the particular mode of fixing the rails. In general, rails are not fastened directly to the freehold, but are fastened by bolts or screws to sleepers, which are let into the ground so as to be annexed to the freehold. The case apparently most nearly approaching the case of rails, is that of a conservatory not affixed directly to the freehold, but to intermediate materials which were affixed to the freehold; and there it was held, as between landlord and tenant, that such conservatory was part of the freehold. (*Buckland v. Butterfield*, 4 Moo. 440). And with regard to the engine and carriages, there is also this question; whether, while actually running, they would not be privileged from distress on the same ground that utensils of trade in actual use, or the horse whereon a man is actually riding, are privileged. (Co. Litt. 47. a.; *Simpson v. Hartopp*, Wil. 51).

† We have been informed, that on some railways, under circumstances similar to those we have hypothetically put, the owner of the rent-charge has resorted to the ingenious expedient of employing some person to make, on the approach of an engine, the signal of danger; and on the engine being stopped,

The remaining question, then, under the 81st section, is, whether it gives the owner of the rent-charge other remedies than by distress.

It will be observed, that, considering this clause alone, the doubt whether it does or does not, depends on the question, whether in the words "otherwise to act and demean himself in relation thereto, as any landlord may for arrears of rent reserved on a common lease for years," the word "thereto" refers to the "distress" taken, or to the rent-charge; in other words, whether the Act means to give to the owner of rent-charge the same right as a landlord has against his tenant, in regard to proceeding to recover arrears of rent, or only in regard to dealing with the distress. The clause is certainly obscure and doubtful on this point, but it may, without any great straining of words, receive the more enlarged construction.

In the first place, the Act having given to the owner of the rent-charge the right to take and dispose of a distress, it would be somewhat absurd that it should go on specifically to give him rights incident to the taking and disposal of the distress, and without which the right to take and dispose would be no right at all. This is one reason against supposing the word "thereto" to refer merely to the distress.

In the next place, if this were indeed the intention of the Act, then what meaning can be given to the words "for arrears of rent?"

The clause would then have to be read, that the owner of the rent-charge may "act and demean himself in relation to the distress when taken, as any landlord may for arrears of rent." The acting and demeanor of a landlord for arrears of rent seem more properly to refer to the steps taken to recover it, than to the mode of dealing with the distress taken as its equivalent; and the words, therefore, "for arrears of rent," are intelligible, if the words "in relation thereto" have reference to the "rent-charge," while they seem to have no meaning or application on the other construction. On the other hand, it is provided by the 67th section of the Act, which establishes the rent-charge in lieu of tithes, that such rent-charge may be recovered at the suit of the person entitled thereto, his executors or administrators, by distress or entry as hereinafter mentioned." And further, that "nothing herein contained shall be taken to render any person whosoever personally liable to the payment of any such rent-charge."

It is apprehended, that this provision puts a construction on the language of the 81st section, shewing that the personal remedy by action of debt is not intended to be given. And this view seems to have been taken ex-

(as by the regulations of most railways it must be, we believe, without any inquiry how or by whom the signal is made), to seize it as and for a distress. Such a mode of proceeding is obviously an unlawful obstruction of the engines of a railway company, and as such open to objection; at the same time, it seems well calculated to succeed by way of producing a compromise. A less objectionable mode would, we apprehend, be for the owner of the rent-charge to proceed in one of the railway carriages, and, when on the portion of the line charged, to seize the carriage as and for his distress, giving notice thereof to the officer of the company having charge of the train, and requiring him to leave such carriage in his possession; and if such requisition were not complied with, then, being in possession, to attempt, on arriving at the terminus, to remove the carriage.

trajudicially by Lord Denman in a case of *Willoughby v. Willoughby*, (ante, p. 798), in which, comparing the Tithe Commutation Act with an Inclosure Act of 6 & 7 Will. 4, c. 16, he appears to have acquiesced in the argument at the bar, that the Tithe Commutation Act "expressly excludes the liability of any one." The result on the whole is, that, in the absence of express decision, it must remain more than doubtful whether the Tithe Commutation Act gives to the owner of the rent-charge any remedies under the 67th and 81st clauses, except by distress.

The next question is, whether, under the 82nd section, the owner of the rent-charge has any remedies which, under such circumstances as we have supposed, are available. He may, under this clause, it is clear, obtain possession of the portion of the railway line charged with the rent-charge, until the arrears and the costs specified are satisfied; but what powers are conferred on him as incidental to such possession, the clause does not point out. And it is apprehended that he would not have, by force of the 82nd section, any power of infringing the penal clauses of the Railway Act, by obstructing the passage of engines or trains, or in any way stopping or taking the traffic of the Company thereon into his own hands; so that the possession, when obtained, would appear in this case to be a mere legal possession, barren of all fruit.

There remains to be considered, whether, if there be, from the peculiar circumstances of the case, no possibility of obtaining a remedy at law, either under the right of distress given by the 81st section, or under the right of possession given by the 82nd, a court of equity would, in any and what manner, interfere to aid the owner of the rent-charge. It has been decided, that the mere giving of a special remedy by act of Parliament does not, in the absence of express words of ouster, take away the jurisdiction of equity to give its ordinary remedies. (*Sheriff v. Coates*, 1 R. & M. 159; *Coates v. Clarence Railway Company*, 1 R. & M. 181). But these decisions had reference to the case where an act of Parliament did not create any new right, but merely gave a special remedy for the infringement of a common law right. In the case under consideration, however, the right of the owner of the rent-charge is altogether the creature of the Tithe Commutation Act, and the cases above cited do not seem, therefore, to apply. A bill to establish the rent-charge, and for an account, would seem to be precluded by the provision in the 67th section, that the act shall not be taken to render any person personally liable. The only question is, whether, under its general jurisdiction to aid a legal right, which, from defect in the process of law, or by the wrongful acts of the party liable, cannot be enforced, equity would not, in some manner, so enjoin the railway company as indirectly to compel them to permit the owner of the charge to use his remedies under the 81st or 82nd section of the act. And there seems ground to contend that it would so interfere; for it will be observed, that the supposed case is not one where the existence of the legal right is doubtful, but where, the right being clear, the fruits of it cannot, by reason of adventitious circumstances, be obtained, which is precisely the sort of case that, on principle, would seem to justify the interference of equity.

## Court Papers.

CAUSE LISTS.—MICHAELMAS TERM, 6 VICT.

## Court of Common Pleas.

## NEW TRIALS.

MOVED MICHAELMAS TERM, 1843.

Midd.—Jarman v. Hooper	Glo'ster—Grinnell v. Wells
" Same v. Same	Stafford—Eyland v. Windle
" Innes v. Fitch	York—Hudson v. Fawcett
" Soloman v. Wright	Durham—Grant, qui tam v. Matthewson & ora.
Lond.—Johnson v. Evans	" Robson v. Jonnasohn & an.
" Sinclair v. Hannen	Liverpool—Stead v. Williams
" Clarke v. Alexander	Notts—Sharpe v. Hancock
" Jones & an. v. Berger	<i>Suspended.</i>
Surrey—Kavanagh v. Gudge	Durham—Robson v. Jonnasohn & an.
Wilt—Long, jun. v. Toogood	Midd.—Gregory v. Duke of Brunswicke & an.
Bristol—Wilkins v. Bromhead	
Berks—Cooper v. Taylor	
Oxon—Walker v. Quartermaine	
Glo'ster—Smallman v. Pollard	

## LIST OF APPEALS FROM THE DECISIONS OF THE REVISING BARRISTERS.

TO BE HEARD PURSUANT TO 6 &amp; 7 VICT. C. 18.

No. County or Borough.	Appellant.	Respondent.
1 Warwickshire, N. D.	Webb v. Overseers of Birmingham	
2 Stockport, Borough of	Wright v. Town Clerk of Stockport	
3 Bradford, Borough of	Allan v. Waterhouse	
4 Chatham, Borough of	Hughes v. Overseer of Chatham	
5 " "	Hughes v. Overseer of Chatham	
6 " "	Hughes v. Overseer of Gillingham	
7 " "	Hughes v. Overseer of Chatham	
8 Lewes, Borough of	Bartlett v. Gibbs	
9 Greenwich, Borough of	Dobson, Knt. v. Jones, Gent.	
10 Bristol, City of	Tudball v. Town Clerk of Bristol	
11 Wenlock, Borough of	Whitmore & an. v. Town Clerk of Wenlock	
12 Ludlow, Borough of	Russell v. Downes	
13 Bridgnorth, Borough of	Bowen v. Williams	
14 Wareham, Borough of	Musellwhite v. Town Clerk of Wareham	
15 Northamptonsh. N. D.	Simpson v. Wilkinson	<i>Struck out per Cur. Nov. 7</i>

## COURT OF QUEEN'S BENCH.—ORDER OF BUSINESS.—

Nov. 2.—The Court will, as usual, take the Special Paper on Tuesdays and Fridays, and the Crown Paper on Wednesdays and Saturdays; and Mondays and Thursdays, as well as the open hours on any Wednesday or Saturday on which the cases in the Crown Paper fail, will be given to the New Trial Paper.

Nov. 9.—On Thursday next, Nov. 16, the Court will deliver judgment in *R. v. Mallil*, and will hear the remainder of the arguments in *Bosanquet v. Woodford*, which was partly heard on Wednesday last.

NEW FEES UNDER THE LAST BANKRUPT ACT.—The Lord Chancellor issued on Wednesday last an amended scale of fees and allowances to attorneys in fiats of bankruptcy, and also to the messengers and their assistants in the various courts throughout the country. The old scale of allowances was so small, that attorneys engaged in such matters frequently persuaded their clients to adopt any course to avoid having the docket struck against them; thus destroying the benefit intended by the act. The new table, to which his Lordship has just given his sanction, will, no doubt, by its greater liberality, increase the business of the various courts of bankruptcy.

## CIRCUITS OF THE COMMISSIONERS FOR THE RELIEF OF INSOLVENT DEBTORS.

## SPRING CIRCUITS, 1844.

## NORTHERN CIRCUIT.

H. R. REYNOLDS, Esq., Chief Commissioner.

Yorkshire, at Sheffield, Wednesday, February 7.  
 Yorkshire, at Wakefield, Saturday, February 10.  
 Kingston-upon-Hull, (Town and County), Monday, Feb. 19.  
 Yorkshire, at York and City, Wednesday, February 21.  
 Yorkshire, at Richmond, Saturday, February 24.  
 Durham, at Durham, Monday, February 26.  
 Northumberland, at Newcastle-upon-Tyne and Town, Wednesday, February 28.  
 Cumberland, at Carlisle, Saturday, March 2.  
 Westmorland, at Appleby, Tuesday, March 5.  
 Westmorland, at Kendal, Wednesday, March 6.  
 Lancashire, at Lancaster, Thursday, March 7.  
 Lancashire, at Preston, Thursday, March 21.  
 Lancashire, at Liverpool, Friday, March 22.  
 Cheshire, at Chester and City, Tuesday, March 26.  
 Flintshire, at Mold, Friday, March 29.  
 Denbighshire, at Ruthin, Saturday, March 30.  
 Anglesey, at Beaumaris, Tuesday, April 2.  
 Carnarvonshire, at Carnarvon, Wednesday, April 3.  
 Merionethshire, at Dolgelly, Saturday, April 6.  
 Montgomeryshire, at Welch Pool, Tuesday, April 9.

## HOME CIRCUIT.

J. G. HARRIS, Esq., Commissioner.

Kent, at Dover, Tuesday, February 20.  
 Canterbury, (City), Wednesday, February 21.  
 Kent, at Maidstone, Thursday, February 22.  
 Sussex, at Horsham, Friday, March 15.  
 Hertfordshire, at Hertford, Friday, March 22.

## SOUTHERN CIRCUIT.

W. J. LAW, Esq., Commissioner.

Berkshire, at Reading, Thursday, February 8.  
 Oxfordshire, at Oxford and City, Saturday, February 10.  
 Worcestershire, at Worcester and City, Tuesday, February 13.  
 Glamorganshire, at Cardiff, Friday, February 16.  
 Glamorganshire, at Swansea, Monday, February 19.  
 Cardiganshire, at Cardigan, Wednesday, February 21.  
 Pembrokeshire, at Haverfordwest and Town, Thursday, February 22.  
 Carmarthenshire, at Carmarthen and Borough, Monday, February 26.  
 Brecknockshire, at Brecon, Wednesday, February 28.  
 Radnorshire, at Presteigne, Thursday, February 29.  
 Herefordshire, at Hereford, Friday, March 1.  
 Monmouthshire, at Monmouth, Monday, March 4.  
 Gloucestershire, at Gloucester and City, Wednesday, March 6.  
 Somersetshire, at Bath, Friday, March 8.  
 Bristol, (City), Saturday, March 9.  
 Devonshire, at Exeter and City, Thursday, March 14.  
 Cornwall, at Bodmin, Monday, March 18.  
 Devonshire, at Plymouth, Tuesday, March 19.  
 Somersetshire, at Taunton, Friday, March 22.  
 Dorsetshire, at Dorchester, Monday, March 25.  
 Wiltshire, at Salisbury, Wednesday, March 27.  
 Southampton, (Town and County), Thursday, March 28.  
 Southampton, at Winchester, Friday, March 29.

## MIDLAND CIRCUIT.

D. POLLOCK, Esq., Commissioner.

Essex, at Chelmsford, Thursday, March 7.  
 Essex, at Colchester, Friday, March 8.  
 Suffolk, at Ipswich and Borough, Saturday, March 9.  
 Norfolk, at Yarmouth, Monday, March 11.  
 Norfolk, at Norwich and City, Tuesday, March 12.  
 Norfolk, at Lynn, Friday, March 15.

*Suffolk*, at Bury St. Edmund's, Monday, March 18.  
*Cambridgeshire*, at Cambridge and Borough, Tuesday, March 19.  
*Huntingdonshire*, at Huntingdon, Wednesday, March 20.  
*Northamptonshire*, at Peterborough, Thursday, March 21.  
*Rutlandshire*, at Oakham, Friday, March 22.  
*Lincolnshire*, at Lincoln and City, Monday, March 25.  
*Nottinghamshire*, at Nottingham and Town, Thursday, March 28.  
*Derbyshire*, at Derby, Monday, April 1.  
*Lichfield*, (City), Monday, April 8.  
*Staffordshire*, at Stafford, Tuesday, April 9.  
*Shropshire*, at Shrewsbury, Friday, April 12.  
*Shropshire*, at Oldbury, Saturday, April 13.  
*Warwickshire*, at Birmingham, Monday, April 15.  
*Warwickshire*, at Warwick, Thursday, April 18.  
*Warwickshire*, at Coventry, Saturday, April 20.  
*Leicestershire*, at Leicester, Monday, April 22.  
*Northamptonshire*, at Northampton, Wednesday, April 24.  
*Bedfordshire*, at Bedford, Friday, April 26.  
*Buckinghamshire*, at Aylesbury, Saturday, April 27.

## London Gazettes.

TUESDAY, NOVEMBER 7.

### BANKRUPTS.

JOHN McLEAN, Sun-street, Bishopsgate-street Without, London, statuary mason, Nov. 17 at 1, and Dec. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Brace, Surrey-st., Strand.—Fiat dated Nov. 1.  
 CHARLES WYNN DAVIES, Holborn, Middlesex, upholsterer, Nov. 16 and Dec. 19 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Dickson & Co., Old Jewry.—Fiat dated Oct. 25.  
 GEORGE NETTLETON, Brompton, Kent, tailor, Nov. 16 and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Herbert, Staple-inn.—Fiat dated Nov. 2.  
 WILLIAM BROWNE COCKERILL, Reedham, Norfolk, butcher, cattle dealer, and horse dealer, Nov. 15 at 11, and Dec. 12 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Palmer, Great Yarmouth; Rickards & Walker, Lincoln's-inn-fields.—Fiat dated Nov. 2.  
 JAMES WILLIS, Osborn-street, Whitechapel, Middlesex, ale and porter merchant, Nov. 17 at 12, and Dec. 20 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Goddard, Wood-street, Cheap-side.—Fiat dated Nov. 3.  
 ALFRED HENRY WAGSTAFF, Leighton Buzzard, Bedfordshire, apothecary, Nov. 17 and Dec. 20 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Hodson & Gibbs, King's-road, Bedford-row.—Fiat dated Nov. 4.  
 DAVID AUMONIER, Wigmore-street, Cavendish-square, Middlesex, jeweller and goldsmith, Nov. 17 at 11, and Dec. 20 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Patten, Ely-place, Holborn.—Fiat dated Nov. 3.  
 JOHN PHILLIPS, Fingers-hall-court, Old Broad-street, London, tailor and draper, Nov. 10 at 11, and Dec. 13 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Yonge, Tokenhouse-yard.—Fiat dated Oct. 23.  
 DAVID FRAZER, Little Tower-street, London, ship owner, Nov. 15 at 12, and Dec. 12 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Ashby, Shoreditch.—Fiat dated Nov. 6.  
 EMANUEL CHARLES, Radipole, Dorsetshire, brick maker, Nov. 22 and Dec. 13 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Phillips, Weymouth; Combe, Staple-inn, London.—Fiat dated Nov. 1.  
 CHARLES HARRINGTON, Kidderminster, Worcestershire, plumber and glazier, Nov. 22 at 11, and Dec. 12 at 2, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Haywood & Webb, Birmingham.—Fiat dated Oct. 31.  
 GEORGE HACKLETON CROWTHER, Warrington, Lancashire, stationer, Nov. 21 and Dec. 13 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Hampson, Manchester; Gregory & Co., Bedford-row.—Fiat dated Nov. 1.

### MEETINGS.

*Wm. Morgan*, Liverpool-street, and Farnham-place, Old Gravel-lane, Surrey, *Geo. Richard Roach*, Liverpool-street, and Liverpool, Lancashire, and *Geo. Morgan*, Liverpool-street, and Tiverton, Devonshire, merchants, Nov. 21 at 11, Court of Bankruptcy, London, pr. d. sep. est. *G. R. Roach*—*Jonathan Beckett*, Liverpool, ironfounder, Nov. 21 at half-past 12, District Court of Bankruptcy, Liverpool, pr. d.—*David Duncan*, Derby, engineer, Nov. 18 at half-past 12, District Court of Bankruptcy, Birmingham, pr. d.—*John Bains*, South Shields, Durham, grocer, Nov. 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, ch. ass.—*G. Simons*, King's-square, Goswell-road, St. Luke's, Middlesex, watch manufacturer, Nov. 21 at 11, Court of Bankruptcy, London, last ex.—*T. Waller*, Preston-next-Faversham, Kent, brewer, Nov. 16 at 12, Court of Bankruptcy, London, last ex.—*Edw. Conden*, Milton-street, and Edward-street, Dorset-square, Middlesex, builder, Nov. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Wm. Greenslade*, Swinton-street, Gray's-inn-lane, Middlesex, builder, Nov. 28 at 2, Court of Bankruptcy, London, aud. ac.—*Benjamin Bacon*, Anchor-street, Shoreditch, Middlesex, silk manufacturer, Nov. 28 at 12, Court of Bankruptcy, London, aud. ac.—*James Stanford*, Cranborne, Dorsetshire, grocer, Nov. 23 at half-past 1, Court of Bankruptcy, London, aud. ac.—*John Bow*, Frith-street, Soho-square, Middlesex, carpenter, Nov. 28 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Wm. Jackes*, Guildford-street, Blackfriars-road, Surrey, corn dealer, Nov. 23 at 2, Court of Bankruptcy, London, aud. ac.; Nov. 28 at 11, fin. div.—*W. Hayes*, Salisbury, Wiltshire, grocer, Nov. 23 at 2, Court of Bankruptcy, London, aud. ac.; Nov. 28 at 12, fin. div.—*Geo. Alex. Wylie*, Warnford-court, Throgmorton-st., London, merchant, Nov. 28 at 12, Court of Bankruptcy, London, aud. ac.—*Jos. Appleton*, Three Crown-sq., Southwark, hop merchant, Nov. 28 at half-past 2, Court of Bankruptcy, London, aud. ac.; Nov. 30 at 2, div.—*Wm. Hopper*, Great Queen-st., Lincoln's-inn-fields, Middlesex, carpet warehouseman, Nov. 28 at 11, Court of Bankruptcy, London, aud. ac.; Nov. 30 at half-past 11, div.—*Nat. Wegg*, East Greenwich, Kent, victualler, Nov. 28 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Geo. Henry Watson*, Stourmont-cottage, Moscow-road, Bayswater, Middlesex, apothecary, Nov. 28 at 1, Court of Bankruptcy, London, aud. ac.; Nov. 30 at half-past 12, div.—*William Rayner* and *John Rayner*, Uxbridge, and Hillingdon, Middlesex, seed crushers, Nov. 28 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Peter Tagg*, Tooley-street, Southwark, Surrey, sloop-seller, Nov. 28 at half-past 12, Court of Bankruptcy, London, aud. ac.; Nov. 30 at 12, fin. div.—*Abraham L. Bensussan* and *Joshua Brandon*, Walbrook-buildings, London, merchants, Nov. 28 at 2, Court of Bankruptcy, London, aud. ac.; Nov. 30 at 2, div. sep. est. *A. L. Bensussan*—*Wm. Pye*, Eagle Saw Mills, Old Brompton, Middlesex, and Barnes, Surrey, builder, Nov. 28 at 11, Court of Bankruptcy, London, aud. ac.—*Alexander Bower*, Basford, Staffordshire, and Manchester, Lancashire, banker, Dec. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 6 at 12, div.—*John Whitaker*, Newchurch, Forest of Rossendale, Whalley, Lancashire, woollen manufacturer, Dec. 4 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 5 at 12, div.—*Wm. Drinkwater*, Salford, Lancashire, woollen cord manufacturer, Nov. 30 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 1 at 12, div.—*Charles Bens Buchanan* and *Wm. Cunningham*, Liverpool, merchants, Nov. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 30 at 11, div.—*Chas. Jas. Morley*, Liverpool, flour dealer, Nov. 28 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Thomas P. Pino*, Liverpool, ship chandler, Nov. 28 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Thos. B. Molynaux* and *P. Witherby*, Liverpool, merchants, Nov. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Nov. 30 at 12, div.—*James Jackson*, Lincoln, chemist, Dec. 5 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 7 at 11, div.—*Thomas Aspinall*, Southowram, Halifax, Yorkshire, worsted spinner, Nov. 28 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Wm. Jas. Holt*, Grantham, Lincolnshire, tea dealer, Dec. 6 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Ed. Goddard*, Holbeach, Lincolnshire, draper, Nov. 28 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Geo. Carr*, Nottingham, lace manufacturer, Nov. 28 at 12, District Court of Bankruptcy, Birmingham, aud. ac.

—*Alex. Winton*, David Winton, and Jas. Webber, Wood-st., Cheapside, London, warehousemen, Nov. 16 at 12, Court of Bankruptcy, London, div.—*George Carey*, Nottingham, lace manufacturer, Nov. 29 at 12, District Court of Bankruptcy, Birmingham, div.—*John Clarke and George Clarke*, Market Harborough, Leicestershire, and Ropemaker-street, London, and Burton Lattimer, and Isaham and Spratton, carpet manufacturers, Nov. 29 at half-past 11, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Henry Walsh*, Reading, Berkshire, watch maker, Nov. 29 at 2, Court of Bankruptcy, London.—*Robert Stevens*, Stewkley, Buckinghamshire, farmer, Nov. 30 at half-past 11, Court of Bankruptcy, London.—*John George*, Broad-street, Cheapside, London, and James-st., Hare-st., Bethnal-green, Middlesex, silk manufacturer, Nov. 30 at 12, Court of Bankruptcy, London.—*John William Hodges Brown*, Little Bowden, Northamptonshire, dealer in horses, Nov. 30 at 11, Court of Bankruptcy, London.—*Charles Duffield*, Bath, grocer, Dec. 5 at 12, District Court of Bankruptcy, Bristol.—*Evan Prichard*, Llanwrst, Denbighshire, shopkeeper, Dec. 1 at 11, District Court of Bankruptcy, Liverpool.—*Robert Hughes*, Wrexham, Denbighshire, tailor, Nov. 28 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Heap, John Roberts, and William Roberts*, Padiham, Lancashire, cotton spinners, Nov. 29 at 1, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 28.

*John Elliott*, Chichester, Sussex, builder.—*James Hodges*, Wolverhampton, Staffordshire, stock-lock maker.—*Thomas Trafford*, Midge Inn, Hatton, Lincolnshire, innkeeper.—*T. Perry*, Mold, Flintshire, draper.—*Joseph Marriage*, jun., Moulsham, Chelmsford, Essex, miller.—*George B. Worboys*, Bristol, perfumer.

## FIAT ANNULLED.

*Robert Kipling*, Wood-street, Cheapside, London, warehouseman.

## PARTNERSHIPS DISSOLVED.

*Thomas John Angell and Samuel Nicholas Cooper*, Warwick-chambers, Beak-street, Regent-street, attorneys and solicitors.—*T. Whitehead and R. T. Robinson*, Huddersfield, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

*Rob. Strachan*, Strathmartine, Forfarshire, flax spinner.—*Daniel Ferguson*, Greenock, merchant.—*Andrew Ross*, Ferry of Cromarty, Ross-shire, innkeeper.

## DECLARATIONS OF INSOLVENCY.

*James Grove*, Camberwell, Surrey, brewer's drayman.  
*Daniel Robertson*, Wilson-street, Finsbury-square, Middlesex, architect.  
*Wm. Brazier*, Cheltenham, Gloucestershire, out of business.  
*Joseph Oliver*, Dartford, Kent, fruiterer.  
*Daniel Nicholls Brough*, Wellington-street, Camden-town, out of business.  
*James Southworth*, Upholland, near Wigan, Lancashire, coal master.  
*Joseph Hibbert*, Hulme, Lancashire, assistant to a butcher.  
*Thos. Blades Walden*, Chelsea, Middlesex, author.  
*James William Hawkins*, Charlotte-street West, White Conduit-fields, Islington, Middlesex, carpenter.  
*James Clarkson*, Ormskirk, Lancashire, licensed victualler.  
*Charles Oskins*, Brampton, Huntingdonshire, out of business.  
*Michael Hawkins*, Whitehall-gardens, Westminster, Middlesex, gentleman's servant.  
*Benjamin Hughes*, Ebenezer-place, Kennington-lane, Lambeth, Surrey, tobacconist.  
*Robert James Foster*, Gloucester, paper hanger.  
*Abel Uglov*, Aldersgate-street, London, out of business.  
*Solomon Jacobs*, Union-place, Great Union-street, Borough-road, Surrey, town traveller.  
*James William Baines*, Frederick's-place, Hampstead-road, Middlesex, plumber.  
*Francis Pitt*, Kiddleminster, Worcestershire, cabinet maker.  
*James Rudge*, Pauntley, Gloucestershire, out of business.  
*Benj. Baker*, Kingswinford, Staffordshire, licensed victualler.

*T. Metcalfe*, Six Chimneys, near Boldron, Yorkshire, farmer.  
*H. Warren*, Great Winchester-st., London, attorney at law.  
*William Cockcroft*, Knutsford, Cheshire, clerk.  
*John Cheek*, Goswell-st., Middlesex, out of business.  
*John Hoeking*, Redruth, Cornwall, carpenter.  
*William Storey*, Ann's-place, East-street, Old Kent-road, Surrey, coal weigher.  
*John Terry*, Tunbridge-Wells, Kent, coach maker.  
*Morris Barnett*, Maiden-lane, Covent-garden, Middlesex, comedian.  
*George Henry Bland*, Leicester, dancing master.  
*Thomas Bassett*, Grey-terrace, Great Dover-street, Newington, Surrey, clerk at a waggon office.  
*John Scales*, Golden Cross, Charing-cross, Middlesex, out of business.  
*William Edward Sawyer*, Walworth-place, Walworth-road, Surrey, camel-hair pencil manufacturer.  
*Henry Francis*, Piccadilly-street, Cambridge-terrace, Paddington, Middlesex, iron founder.

## INSOLVENT DEBTORS.

Saturday, Nov. 4.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*George Carpenter*, Rye, Sussex, attorney at law, No. 63,944 C.; *John Robert Taylor*, assignee.—*Geo. Barnes*, Taly-clyn Issa, Llandilo, Carmarthenshire, farmer, No. 62,774 C.; *James Thomas*, assignee.—*William Hough*, Doncaster, Yorkshire, publican, No. 63,405 C.; *Thomas Fretwell*, assignee.—*William Groat*, Scott's-place, Lower-road, Islington, Middlesex, baker, No. 55,689 T.; *Thomas Cornall*, assignee.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Tuesday, Nov. 28 at 9.

*Thos. Pether*, Kennington-road, Surrey, shoe maker.—*J. Maryan*, Wimbledon, Surrey, gentleman's coachman.—*Dan. Williams*, Blackman-st., Southwark, Surrey, clerk to coffee broker.—*Geo. Watts*, North-crescent, Chancery-st., Bedford-square, Middlesex, out of business.—*Jer. How*, Lonsdale-sq., Islington, Middlesex, publisher.—*Rich. Wright*, Rotherhithe, Surrey, surgeon.—*Wm. H. Glunie*, Portman-st., Oxford-st., Middlesex, out of business.—*Thos. Morgan*, Kennington-st., Newington-street, Surrey, out of business.—*John Langridge*, Southampton-mews, Russell-sq., Middlesex, driver of a cab.—*Phil. G. Pound*, Millman-row, King's-road, Chelsea, Middlesex, victualler.—*John Langley*, Howland-st., Fitzroy-sq., Middlesex, surgeon.—*James Bennett*, Nine-elms-lane, Nine-elms, Vauxhall, and Upper Belmont-place, Wandsworth-road, Surrey, wheelwright.

Nov. 30, at the same hour and place.

*Pierre Jean Reybaud*, Manor-cottages, Kennington-oval, Surrey, and Trinity-square, Tower-hill, London, brandy merchant.—*Wm. Donald*, Paddington-st., Mary-le-bone, Middlesex, out of business.—*John Hassel*, Great Castle-street, Regent-street, Middlesex, staymaker.—*Geo. Lloyd*, Bone's-mews, Portman-market, Mary-le-bone, Middlesex, maltster.—*Rich. J. Brinley*, Token-house-yard, Lothbury, London, out of business.—*Wm. Henry Haggart*, Mincing-lane, Fenchurch-street, London, wine merchant.—*Wm. Keep*, Northumberland-st., Strand, Middlesex, tailor.—*Thos. Jos. Jarvis*, York-st., Battersea-fields, Surrey, baker.—*Thomas Phillips*, Wilson-st., Drury-lane, Middlesex, milkman.—*Ernest G. F. Sievers*, Cirencester-place, Fitzroy-square, Middlesex, out of business.—*John Lockie*, Waterloo-road, Lambeth, Surrey, baker.—*Thos. Weedon*, Wells-st., Oxford-st., grocer.

Court-house, LIVERPOOL, Lancashire, Nov. 28 at 10.

*Thos. Macfarlane*, Liverpool, assistant steward of a steam vessel.—*Edw. Greenhow*, Tortexth-park, near Liverpool, landing waiter in the Customs at Liverpool.—*R. Jones*, Liverpool, tailor.—*Jas. Clapperton*, Tortexth-park, Liverpool, assistant steward of a steam vessel.—*Thos. Pendre*, Liverpool, butcher.—*Thomas Jones*, Walton-on-the-Hill, Liverpool, labourer.—*John Wright*, Liverpool, out of business.—*Thomas Wilkes*, Liverpool, wheelwright.—*H. Davenport*, Manchester, tailor.—*Wilfred M. Robinson*, Tortexth-park, Liverpool, out of business.—*Thomas Smith*, Liverpool, out of business.—*Moses Jones*, Liverpool, master butcher.—*Thos. G. Roberts*, Liverpool, out of business.—*Thomas Williams*, Liverpool, watch

maker.—*Clyden Kenney*, Liverpool, butcher.—*John Smith* Rock-ferry, Cheshire, out of business.—*Rob. Lutenar*, Liverpool, publican.—*Jas. Furnby*, Liverpool, out of business.—*Wm. Lennox*, Liverpool, tailor.—*Abel Bennett*, Liverpool, milk retailer.—*Rob. Ross*, Liverpool, cutter-out to a tailor.—*John Hough*, Liverpool, labourer.—*J. Shaw*, Liverpool, victualler.—*Edw. Gerrard*, Liverpool, dealer in marine stores.—*Wm. Davies*, Liverpool, out of business.—*John Morris*, Liverpool, labourer.—*Wm. Hen. Hodson*, Liverpool, shipping agent for seamen.—*David Roberts*, Toxteth-park, Liverpool, joiner.—*Geo. C. Beckett*, Liverpool, dealer in coals.—*Geo. B. Horridge*, Liverpool, printer.

#### Adjourned.

*Jas. Robertson*, Liverpool, out of business.

*Court-house, SALISBURY, Wiltshire, Nov. 28 at 10.*

*Ambrose Woolford*, Ramsbury, woodman.—*James Morris*, Swindon, printer.—*Thos. Newman*, Hannington, fruiterer.—*Wm. Elling*, Warminster, butcher.—*Wm. Wheeler*, Devizes, gunsmith.—*Geo. Hancock*, Bath-ford, Somersetshire, quarryman.

*Court-house, OLDBURY, Shropshire, Nov. 29 at 10.*

*Wm. Hinds*, Oldbury, out of business.—*Robert A. Mason*, Oldbury, out of business.

*Court-house, WARWICK, (County), Nov. 30 at 10.*

*Hen. Halford*, Ashted, Birmingham, out of business.—*R. Richardson*, Leamington Priors, out of business.—*R. Moseley*, sen., Aston-nigh-Birmingham, brick maker.—*Patrick Fenton*, Birmingham, plumber.—*Chas. Porter*, Birmingham, surgeon.—*Hen. Allday*, Elmden-heath, near Solihull, farming bailiff.—*Wm. Mercer*, Dale-end, Birmingham, fishmonger's assistant.—*Sarah Hancocks*, widow, Birmingham, out of business.—*Thos. Taylor*, Ashted, manager of the Roebuck retail brewery.—*John Crosby*, Tamworth, auctioneer.—*John Marston*, Birmingham, out of business.

*Court-house, SOUTHAMPTON, Nov. 30 at 10.*

*Edw. Snook*, Northam-marsh, Southampton, servant.—*C. W. Couldock*, Southampton, comedian.—*J. Williams*, Southampton, out of business.—*John Stokes*, Southampton, shoe maker.

#### MEETING.

*Dan. Dunnell*, Shipham, Norfolk, blacksmith, Nov. 27 at 12, Winter's, Norwich, sp. aff.

### FRIDAY, NOVEMBER 10.

#### BANKRUPTS.

**GEORGE JOHN POUCHEE**, Oxford-street, Middlesex, stationer, Nov. 17 at 3, and Dec. 20 at 2, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Wilson, South-square, Gray's-inn.—Fiat dated Nov. 7.

**THOMAS BAKER**, High-street, Camberwell, Surrey, carpenter and upholsterer, Nov. 21 at 2, and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Harman, Earl-street, Blackfriars.—Fiat dated Nov. 3.

**CHARLES JOSEPH ACUTT**, Bath-street, City-road, Middlesex, cabinet maker, Nov. 21 at half-past 2, and Dec. 19 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Strangeways, King's-road, Bedford-row.—Fiat dated Nov. 2.

**CHARLES KILLICK** and **JOHN SADD**, Blackman-street, Borough, Surrey, paper stainers, Nov. 21 at 1, and Dec. 19 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Wood & Wickham, Corbet-court, Gracechurch-street.—Fiat dated Nov. 8.

**CHARLES JOHN HUNT**, Cork-st., Burlington-gardens, St. James's-street, and Quadrant, Regent-street, Middlesex, billiard table maker, Nov. 23 at half-past 11, and Dec. 23 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Lewis, 7, Arundel-street, Strand.—Fiat dated Nov. 7.

**BENJAMIN GEORGE DRURY**, Dudley, Worcestershire, licensed victualler, Nov. 20 and Dec. 21 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Bourne & Wainwright, Dudley.—Fiat dated Nov. 2.

**BARTHOLOMEW DOWELL**, Bishopwearmouth, Durham, builder and shipowner, Nov. 22 and Dec. 18 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass.

Baker; Sols. Davison, Bishopwearmouth; Walker, 3, Furnival's-inn.—Fiat dated Oct. 30.

**WILLIAM TAYLOR**, Springhead, Saddleworth, Yorkshire, wood and oil merchant, Nov. 22 and Dec. 19 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Sols. Ascroft, Oldham; Gregory & Co., 1, Bedford-row, London.—Fiat dated Nov. 7.

#### MEETINGS.

*James Stott*, Wuerdle and Wardle, Rochdale, Lancashire, woollen manufacturer, Nov. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*John N. George*, Upper Berkeley-street, St. Mary-le-bone, Middlesex, bookseller, Dec. 5 at 11, Court of Bankruptcy, London, and ac.—*Patrick W. Carter* and *Jas. Jackson*, Brewer-street, Golden-sq., Middlesex, woollen drapers, Nov. 23 at 1, Court of Bankruptcy, London, and ac.; Dec. 2 at 12, div.—*Martin Henry L. G. Colnaghi*, Cockspur-street, Charing-cross, Middlesex, print seller, Dec. 1 at half-past 11, Court of Bankruptcy, London, and ac.—*José L. Fernandes*, N. L. Fernandes, and *José L. Fernandes*, jun., Wakefield, Yorkshire, corn millers, Dec. 4 at 11, District Court of Bankruptcy, Leeds, and ac.—*Wm. Ward*, Blackfriars-road, Surrey, draper, Nov. 20 at half-past 10, Court of Bankruptcy, London, fin. div.—*Wm. Rayner* and *John Rayner*, Uxbridge and Hillingdon, Middlesex, seed crushers, Dec. 1 at 11, Court of Bankruptcy, London, div.—*Jas. Stanford*, Cranborne, Dorsetshire, grocer, Dec. 1 at 11, Court of Bankruptcy, London, div.—*E. Goddard*, Holbeach, Lincolnshire, draper, Nov. 28 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Wm. Burt*, Harrow-road, Paddington, Middlesex, lodging-house keeper, Dec. 9 at 2, Court of Bankruptcy, London.—*John Wm. Carleton*, Upper George-street, Bryanstone-square, Middlesex, bookseller, Dec. 2 at half-past 12, Court of Bankruptcy, London.—*Abraham Davis*, Tottenham-court-road, Middlesex, dealer in glass, Dec. 5 at 12, Court of Bankruptcy, London.—*Matthew Potter*, New Bond-street, Middlesex, haberdasher, Dec. 5 at 1, Court of Bankruptcy, London.—*George Coffee*, Farnham, Surrey, boot maker, Dec. 5 at half-past 1, Court of Bankruptcy, London.—*Thos. Smith*, Fore-street, London, wine merchant, Dec. 6 at 2, Court of Bankruptcy, London.—*Chas. Duffield*, Bath, grocer, Dec. 5 at 12, District Court of Bankruptcy, Bristol.—*Wm. Hoole*, Sheffield, Yorkshire, leather dresser, Dec. 5 at 11, District Court of Bankruptcy, Leeds.—*Thos. H. Jackson*, Sheffield, Yorkshire, glass cutter, Dec. 4 at 1, District Court of Bankruptcy, Leeds.—*Geo. Wm. Travis*, Sheffield, Yorkshire, joiner, Dec. 4 at 1, District Court of Bankruptcy, Leeds.—*Wm. Watkin*, jun., Leamington Priors, Warwickshire, wharfinger, Dec. 9 at half-past 11, District Court of Bankruptcy, Birmingham.—*James Meredith*, Pershore, Worcestershire, woolstapler, Dec. 15 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 1.*

*Jos. J. M. M. Scott*, Liverpool, flour merchant.—*Jas. B. Cooper*, Drury-lane, Middlesex, iron founder.—*John Orbell*, Brundon, Essex, miller.—*Samuel Barker*, Wrockwardine, Shropshire, mercer.—*Thos. Chappell*, Sudbury, Suffolk, licensed victualler.—*Nath. Bromley*, Little Bentley, Essex, maltster.—*Wm. White*, jun., Aldergate-street, London, chemist.—*Chas. Christelow*, York, draper.—*Joseph Stirling*, Southampton, hatter.—*Henry Andrews*, Peckham, Surrey, brewer.—*David Edwards*, Pembroke, miller.—*Geo. Custon*, Basingstoke, Hampshire, ironmonger.—*John Meyer*, New City-chambers, Bishopgate-st., London, and Foley, Staffordshire, earthenware manufacturer.

#### SCOTCH SEQUESTRATIONS.

*George Bird*, Dunse, grocer.—*John Tullie*, Arbroath, carrier.

#### DECLARATIONS OF INSOLVENCY.

*Jonathan Davenport*, Sutton, Prestbury, Cheshire, licensed retailer of beer and porter.

*John Murgatroyd*, Windhill Crag, Calverly, Yorkshire, cloth manufacturer.

*Geo. Newsome*, Batley, Yorkshire, clothier.

*Hugh Leigh*, Manchester, plumber.

*Samuel Glover*, Halifax, Yorkshire, auctioneer.  
*George Frederick Sargent*, Colebrook-terrace, Islington, Middlesex, artist.

*Benj. Beaumont*, Batley, Yorkshire, slubber.

*Benj. Burnly*, Batley, Yorkshire, cloth presser.

*Jas. Gibbs*, Topham, Devonshire, out of business.

*William Carrie*, Hyde-park-gardens, Bayswater, Paddington, Middlesex, butler.

*William Tugman*, Brewer-street, Middlesex, collecting clerk.

*William Davies George*, Shepperton-street West, Islington, Middlesex, commercial clerk.

*Wm. Archer*, Pilkington, Prestwich-cum-Oldham, Lancashire, madder dyer.

*Benjamin Cook*, Liverpool, beer dealer.

*John Heatley*, Manchester, surgeon.

*Wm. Thorpe*, Bradford, Yorkshire, livery-stable keeper.

*Henry Walton*, Manchester, thread manufacturer.

*John White*, Rochford, Essex, shoemaker.

*John Newman*, Albert-place, Mill-wall, Poplar, Middlesex, out of business.

*Ruth Taylor*, Birmingham, grocer.

*Charles Proctor*, Wych-street, Drury-lane, Middlesex, out of business.

*Wm. Wilson*, Wimbledon, Surrey, coach and omnibus driver.

*Thomas Mayhew*, Frimley, Ash, Surrey, corn chandler.

*R. R. Friend*, High Holborn, Middlesex, hosier.

*William Nias*, Budleigh Salterton, East Budleigh, Devonshire, builder.

*J. Jones*, Devonshire-st., Queen-sq., Middlesex, shoemaker.

*James Starling*, Windsor-place, Southwark-bridge-road, Surrey, plumber.

*W. Biatts*, Donnington-wood, Lilleshall, Shropshire, engineer.

*Henry Knowles*, Grove, Guildford-street, Southwark, Surrey, publican.

*John Fogg*, Cottage-green, Southampton-street, Camberwell, Surrey, house porter.

*John Cheetham*, Rochdale, Lancashire, plasterer.

*C. Such*, Liverpool, assistant at the Star and Garter Shades.

*Peter Jones*, Pentre, Llanganhafal and Llangwyfen, Denbighshire, farmer.

*Wm. John Richards*, Prebend-street, Camden-town, Middlesex, solicitor.

*George Gipeon*, Spilsby, Lincolnshire, retailer of beer.

*Wm. H. Crosson*, Rayleigh, Essex, coachmaker.

*Mary Ann Farquharson*, Brewer-street, St. Pancras, Middlesex, widow.

### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Friday, Dec. 1 at 9.

*Christopher Bell*, Tower-stairs, Tower-hill, London, keeper of the armoury of the Tower.—*Wm. Watling*, Phoenix-place, Cold Bath-fields, Clerkenwell, Middlesex, butcher.—*William Wilks*, Henage-street, Brick-lane, Spitalfields, Middlesex, coach wheelwright.—*Rich. Walker*, Clarendon-terrace, Camberwell New-road, Surrey, tailor.—*Jas. Tassell*, Clipstone-street, Fitzroy-square, Middlesex, grocer.—*Chas. Cheverton*, Bermondsey-square, Bermondsey, Surrey, carpenter.—*Thos. Martin*, Goswell-road, Middlesex, and New Newgate-market, London, butcher.—*Hugh Rowe*, Mead-place, Westminster-road, Lambeth, Surrey, architect.—*John W. Clarke*, Upper Tulse-hill, Brixton-hill, Surrey, out of business.—*Wm. H. Knapp*, Merceron-place, Goldsmith's-row, Hackney-road, Middlesex, retailer of beer.—*Wm. Stevens*, Warwick-street, Vauxhall-road, Pimlico, Middlesex, general commission agent.—*Robt. Hoare*, Great Suffolk-street, Gravel-lane, Southwark, Surrey, tailor.

Dec. 4, at the same hour and place.

*John Chisholm*, Bury-street, Lower Edmonton, Middlesex, chemist.—*Samuel Collis*, Spring-cottage, Spring-pl., Wandsworth-road, Surrey, painter.—*Mary Smith*, widow, Commercial-place, Commercial-road, Middlesex, out of business.—*Matthew Applebee*, Bevismarks, Houndsditch, London, tin-plate worker.—*Benj. Mark Hubble*, High-road, Tottenham, Middlesex, warehouseman.—*Jacob Pursey*, Spring-st., Paddington, Middlesex, stage coachman.—*Benj. Waters*, Albion-grove, Thornhill-road, Islington, Middlesex, merchant's clerk.—*Jos. Norris*, Regent-street, Chelsea, Middlesex, bricklayer.—*Rudolph Heese*, Jewin-crescent, London, out of business.—*J. Suffolk*, Three Colts-lane, Cambridge-heath-road, Bethnal-

green, Middlesex, out of business.—*Fred. Anthony Arancolo*, Wellington-street, Newington-caneway, Surrey, out of business.—*John Osborn*, Stratford, Essex, carrier.—*Thos. Armistage Jones*, Ann-street, Waterloo-road, Surrey, out of business.—*Eugenie Marguirite E. Cays*, Halkin-street, Belgrave-sq., Middlesex, spinster.—*J. Johnson*, Playdell-court, Bouverie-street, Fleet-street, London, bricklayer.

Court-house, CHESTER, (County and City), Dec. 1 at 10.

*Sam. Oliver*, Campstall-bridge, Derbyshire, dealer in tea.—*I. Dean*, Ellesmere-port, and Swanlow, Winsford, brick maker.—*Catherine Stock*, Little Neston, linen draper.—*Francis Wood Massey*, Manchester, butcher.—*Thos. Stubbs*, Lower-town, Altringham, out of business.—*John Large*, Ashton, farmer's labourer.—*Joseph Padmore*, Chester, picture-frame maker.—*Geo. Catherall*, Newtown, shoemaker.—*H. Flint*, Gee-cross, near Hyde, tailor.—*John Rothwell*, Middlewich, baker.—*Thos. Miles*, sen., Chester, shoemaker.—*Joel Dean*, Cheadle, wheelwright.—*Harry Harris*, Liscard, publican.—*Wm. Miller*, Runcorn, butcher.—*John Bull*, Congleton, silk throwster.—*Thos. Bird*, Tarvin, horse breaker.

Court-house, WINCHESTER, Hampshire, Dec. 2 at 10.

*Mary Shepherd*, Portsea, out of business.—*John Allen*, Romsey, victualler.—*Wm. Laker*, Batley, plumber.—*Henry Durrant*, Portsmouth, out of business.—*Chas. W. De Courcy Ross*, Fordingbridge, commander in the Navy on half-pay.—*Jos. Crutcher*, Newbury, Berkshire, huckster.—*E. Purkiss*, Southampton, storekeeper to a steam-packet.—*Rich. Hobbs*, Southsea, baker.—*John Bartlett*, Portsea, shoemaker.—*H. Martin*, Havant, victualler.—*Benjamin Chatfield*, Emsworth, baker.—*Geo. Callaway*, Ryde, Isle of Wight, coach builder.—*Jas. Bundy*, Fordingbridge, labourer.—*Harry Foster*, Winchester, chemist.—*Aaron Batten*, East Woodhay, sheep dealer.—*Mary Hewlins*, Chichester, Sussex, hotel keeper.

Court-house, COVENTRY, (City), Dec. 2 at 10.

*Edw. Deacon Boddington*, Kenilworth, comb maker.—*F. Oakes*, Coventry, out of business.—*Thos. Chapman*, Coventry, cork cutter.—*John Yardley*, Foleshill, ribbon weaver.

Court-house, LEICESTER, (County), Dec. 4 at 10.

*William Adkin*, Rugdale, out of business.—*Robert Curtis*, Winesword, farmer's assistant.—*William Jones*, Leicester, builder.—*Wm. Robert Corrali*, Newark, grocer.—*Joseph Brewer*, Counterthorpe, assistant in husbandry.—*W. Peake*, Foxton, labourer.—*Thomas Ward*, Leicester, furniture broker.—*Joseph Robottom*, Hinckley, hat maker.—*George D. Lees*, Snaresdon, victualler.—*James Clay*, Hinckley, baker.—*George Terrey*, Market Harborough, tinman.—*Samuel Mul-labone*, Hinckley, baker.

Court-house, MOLD, Flintshire, Dec. 4 at 10.

*Lyll W. Sparrow*, Northop, farmer.—*Hen. Parry*, Mold, provision dealer.

### INSOLVENT DEBTOR'S DIVIDEND.

*John Brown*, jun., Leicester, hosier's apprentice, Nov. 16, Nixon's, Leicester: 3s. 4d. in the pound (in addition to 10s. by former divs.).

### MEETING.

*Sarah Juchau*, John-street, Lark-row, Cambridge-heath, Middlesex, widow, Nov. 25 at 12, Macphail's, Wilmington-square, Clerkenwell, sp. affairs.

REGISTRATION APPEALS.—On Tuesday last, in the Court of Common Pleas, Lord Chief Justice Tindal said, that it might be convenient to the bar to be informed, that the court would hear the appeals from the Revising Barristers, under the new Registration Act, in the order in which the appeals had been entered; and that the court would devote Monday and Thursday in the next week, and Monday and Thursday in the following week, for that purpose.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*Ireland*: Richard Cooke, of Waterford. *Scotland*: Theodosius Forrest Ewart, of Edinburgh; Thomas Weir, of Edinburgh.



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In our last number, we called our readers' attention to some cases relative to the passing to the assignees of a bankrupt of his rights of action, and endeavoured, we hope not unsuccessfully, to state the conclusions to be drawn from them as to the present state of the law. Since then, and perhaps partly occasioned by what had recently occupied our thoughts, another class of cases relative to the rights of assignees of bankrupts has attracted our notice. These we shall examine in our present article. It is seldom that for two successive weeks our pages are devoted to subjects nearly alike; and if any of our readers should deem an excuse necessary for doing so, we hope their kindness will supply it for us; and they will bear in mind within what a limited range of topics the plan and purpose of our work confine us, and the consequent difficulty of providing at all times a variety of subjects for our leading articles.

But to proceed at once to the consideration of the cases alluded to, to us a more pleasing task than making apologies or talking of ourselves. They are cases relating to the rights of the assignees where the bankrupt has contracted to manufacture goods, and they are not completed and ready for delivery at the time of the bankruptcy. Of course, every case must in a measure be governed by the terms of its own particular contract; but the rule may be generally stated to be, that no property in the article or its materials passes to the purchaser until it is finished and delivered, or is ready for delivery, and set apart for him with his consent, and is accepted by him. This was laid down in *Mucklow v. Mangles*, (1 Taunt. 318), which was an action of trover by the assignees of a bankrupt for a barge and other effects. The bankrupt, a barge-builder, had undertaken to build the barge in question, and before and during the progress of the work the buyer had advanced money

to the amount of its value; but, says Mansfield, C. J., "The only effect of the payment is, that the bankrupt was under a contract to finish the barge; that is quite a different thing from a contract of sale, and until the barge was finished, we cannot say that it was so far Pocock's (the buyer's) property that he could have taken it away." And Heath, J., says, "If the thing be in existence at the time of the order, the property of it passes by the contract; but not so, where the subject is to be made."

But let us now suppose a contract of a more peculiar nature. A., a ship-builder, contracts with B. to build a ship for him, and to complete it by a certain day. B. is to pay for it by four instalments at different times during the progress of the work, the last being when the ship is launched. This was the contract in *Woods v. Russel*, (5 B. & Ald. 942); and it will be observed that it differs from *Mucklow v. Mangles*, in the fact, that the payments in advance form part of the contract, which does not appear to have been stipulated for in that case. But whether this was considered by the judges to form a sufficient ground of difference, cannot be known, as there were other facts in the case by which they seem to have been mainly influenced. Whilst the ship was building, the defendant (the buyer) appointed a master, who from that time superintended the building. And before she was completed she was measured and surveyed, with the privity of the builder, to the intent that the defendant might get her registered in his own name; and the builder signed the usual certificate of her build, &c., and she was registered in the defendant's name. It is true, the court, in their judgment, say, "This ship is built upon a special contract, and it is part of the terms of the contract that given portions of the price shall be paid according to the progress of the work; part when the keel is laid, part when they are at the light plank. The payment of these instal-

ments appears to us to appropriate specifically to the defendant the very ship so in progress, and to vest in him a property in that ship; and that, as between him and the builder, he is entitled to insist upon the completion of that very ship, and that the builder is not entitled to require him to accept any other;" and so far the case introduces a different rule from that in *Mucklow v. Mangles*. But then they go on to say that the case did not depend merely upon the payment of the instalments, so that they were not called upon to decide how far that payment vested the property in the defendant; and that, from what had passed with respect to the certificate, it seemed to them that the builder had consented that the general property in the ship should be considered from that time as being in the defendant.

We have now, therefore, before us two kinds of contracts: one containing a stipulation for the payment of the work by instalments at certain periods of its progress; the other containing no such stipulation; and, in the former, for that and other reasons, the property held to be vested before completion; in the latter, not. Let us then proceed to examine how they have been affected by subsequent decisions.

In *Atkinson v. Bell*, (8 B. & C. 277), the particulars of which it is unnecessary to mention here, Bayley, J., states the law to be as laid down in *Mucklow v. Mangles*, and that the foundation of the decision in *Woods v. Russel* was the stipulation in the contract that portions of the price were to be paid according to the progress of the work; and, besides, that the builder had signed the certificate to have the ship registered. We may also mention that the rule in *Mucklow v. Mangles* is affirmed in *Oldfield v. Lowe*, (9 B. & C. 78).

The next case we shall refer to is *Clarke v. Spence*, (4 Adol. & Ell. 448). There the contract was similar to that in *Woods v. Russel*, with the addition, that an agent of the buyer was to superintend the building. And the circumstances respecting the certificate being wanting, the court was required to decide expressly upon the effect of the contract. It appears from the judgment, that they thought that the decision in *Woods v. Russel* proceeded on the ground of the registry of the vessel by virtue of the certificate, and that the opinion concerning the effect of the contract was extrajudicial. They, however, proceed to examine that opinion; and although suggesting various reasons for questioning its correctness, ultimately, with some hesitation, adopt it, being influenced, it would seem, by the fact, that it had probably been acted upon since its promulgation by persons engaged in ship-building. And it is clear that this case, if not on any other ground, at least on the ground of expediency, establishes the rule laid down in that opinion.

Next came the case of *Laidler v. Burlinson*, (2 Mee. & W. 602), in which it was held that the property did not pass until the ship was finished. This was upon the construction of the contract there entered into, which, besides differing in other respects, perhaps not material, from those in the preceding cases, contained no stipulation for the payment by instalments. As this case introduces no new rule, we will not further allude to it. It can only be useful as an authority under circumstances corresponding with its own.

There is also a late case, (*Goss v. Quinton*, 12 Law

Journ. Rep., (N.S.), C. P., 172; 7 Jur. 901), in which it was held that the property in an unfinished ship was vested in the purchaser, and not in the assignees of the builder. The facts of that case, however, so far as they are material to the point which is the subject of the present article, do not call for any particular notice. We mention it only as being the latest case on the subject, and as recognising *Woods v. Russel* and *Clarke v. Spence*, and pass on to the consideration of the bearing which another late case may have upon the subject.

Our readers are aware that the Statute of Frauds (29 Car. 2, c. 2, s. 17) requires, that, in a contract for the sale of goods above the price of 10*l.*, the buyer shall accept part of the goods sold, and actually receive the same, or give something in earnest to bind the bargain, or in part of payment, or there shall be some note or memorandum in writing; and that the 9 Geo. 4, c. 14, s. 7, extends these provisions to contracts for the sale of goods, notwithstanding they may be intended to be delivered at some future time, or may not at the time of the contract be actually made, or fit or ready for delivery; and that where a contract has been made for several articles, all of which are in existence at the time, it has been decided, that the acceptance of one is the acceptance of all, and the property in all passes; (*Balder v. Parker*, 2 B. & C. 37); and so also, where the contract is for several classes of goods, and one class is accepted. (*Elliott v. Thomas*, 3 Mee. & W. 170).

Now, in *Scott v. The Eastern Counties Railway Company*, reported in our last number, and decided by the Court of Exchequer on the 6th instant, the contract was for the sale of articles of which some were made at the time, and the others were to be manufactured. The former were delivered, and upon its being objected that the acceptance of these did not amount to an acceptance of the others so as to satisfy the statute, it was decided that the objection could not prevail. With respect to this case it is to be inquired, whether the part acceptance has only the effect of putting the parties in the same situation as if there were a written contract, or whether it goes farther, and passes the property in the whole subject-matter of the contract. It must, we apprehend, have the latter effect; and then it would seem to follow, that, where there is a contract to manufacture an article, and any part of it is finished and accepted by the purchaser, the property in the whole passes to him, although he afterwards delivers back the finished part, or allows it to remain with the manufacturer for the purpose of having the work completed.

And thus, in the cases we have noticed with respect to ships, it may be said, that, so soon as part was finished and an instalment paid, there was an acceptance of it so as to vest the whole in the buyer. It is not easy to foresee all the consequences of this late decision; but we hope the notice we have taken of it will make our readers more readily bear it in mind.

We beg to call the attention of the Profession to our report of *The Queen v. The Inhabitants of Birmingham*, (p. 1014), which we have taken the earliest opportunity of inserting, in consequence of the incorrect report of that case which appeared in *The Times* of Monday last.

## COURT OF QUEEN'S BENCH.

MICHAELMAS TERM.—7 VICT.

**Nov. 16.**—The Court will hold Sittings in Banc on Monday the 27th, and Tuesday the 28th instant, and during the week commencing Monday, December 4th; and will dispose of cases in the Special Paper and the New Trial Paper, and also give judgment in cases then depending before it.

**Nov. 17.**—Lord Denman, C. J., after noticing that paper books had not been delivered in several cases on the Special Paper, stated, that if they were not delivered on or before Tuesday next, they would not be taken at the Sittings in Banc after term.

## LIST OF SHERIFFS NOMINATED BY THE LORDS OF THE COUNCIL FOR 1844.

<i>Bedfordshire</i> .....	John Lee, Esq., Sharnbrooke. George James Sullivan, Esq., Leegrave. William B. Higgins, Esq., Turvey.
<i>Berkshire</i> .....	Edwin M. Atkins, Esq., Kingston Lisle. C. D. Griffith, Esq., Padworth House. John Bligh Monk, Esq., Coley Park.
<i>Buckinghamshire</i> ..	John Barnes, Esq., Chorley Wood. Edmund Francis Dayrell, Esq., Lillingstone Dayrell. Sir William Robert Clayton, Bart., Harleford House.
<i>Camb. &amp; Hunt.</i> ..	Thomas Lewin, Esq., March. Robert Francis Pate, Esq., Wisbeach. John Vipan, Esq., Sutton.
<i>Chehire</i> .....	Geo. Wilbrham, Esq., Delamere House. James W. Hammond, Esq., Wistaston. Sir Wm. M. Stanley, Bart., Hootton Hall.
<i>Cornwall</i> .....	Francis Spry, Esq., Place. H. L. Stephens, Esq., Tregenna Castle. Francis Rodd, Esq., Trebartha Hall.
<i>Cumberland</i> .....	George Harrison, Esq., Linethwaite. Timothy Featherstonehaugh, Esq., The College, Kirkoswald. Joseph P. Senhouse, Esq., Netherhall.
<i>Derbyshire</i> .....	Thomas Pares, Esq., Hopwell. Edward D. Sitwell, Esq., Stainsby. Sir John Robert Browne Cave, Bart., Shetton on the Fields.
<i>Devonshire</i> .....	Nathaniel Vye Lee, Esq., Ilfracombe. James Whyte, Esq., Pilton House. James Wentworth Buller, Esq., Downes.
<i>Dorsetshire</i> .....	Edward Balston, Esq., Radipole. John Floyer, Esq., West Stafford. Samuel Pretor, Esq., Sherborne.
<i>Durham</i> .....	Henry Witham, Esq., Lartington. John Allan, Esq., Blackwell. John Wm. Williamson, Esq., Whickham.
<i>Essex</i> .....	Staines Brocket Brocket, Esq., Spains Hall, in Willingale Spain. George Round, Esq., Colchester. John Clarmont Whiteman, Esq., The Grove, Epping.
<i>Gloucestershire</i> ..	Ed. Hopkinson, Esq., Edgeworth House. Joseph Yorke, Esq., Forthampton Court. George Bengough, Esq., Ridge.
<i>Herefordshire</i> .....	Thomas G. Symons, Esq., Mynde Park. James King King, Esq., Moreton House. John Salwey, Esq., The Moor.
<i>Hertfordshire</i> .....	Frederick Cass, Esq., East Barnet. Sir H. Meux, Bart., Theobald's Park. Felix Calvert, Esq., Hunsden House.
<i>Kent</i> .....	Sir Joseph Henry Hawley, Bart., Leybourne Grange. Sir Moses Montefiore, Knt., Ramsgate. John Deacon, Esq., Mableton.
<i>Leicestershire</i> .....	Archibald Henry Algernon St. Mawr, Esq., commonly called Lord Archibald Henry Algernon St. Mawr, Burton on the Wolds. William Arne Pochin, Esq., Barkley. William Corbett Smith, Esq., Bitterswell.
<i>Lincolnshire</i> .....	Hon. Chas. Thos. Clifford, Irnham. Robert Cracroft, Esq., Hackthorne. Thomas Coltman, Esq., Hagnaby Priory.
<i>Monmouthshire</i> ..	William Phillips, Esq., Whitston House. Hon. Wm. P. Rodney, Llanvihangel Court. William Jones, Esq., Clytha House.
<i>Norfolk</i> .....	Sir J. P. Boileau, Bart., Ketteringham. H. D'E. Hemsworth, Esq., Shropham. T. R. Buckworth, Esq., Cockley Clay.
<i>Northamptonshire</i> ..	Sir Henry Edward Leigh Dryden, Bart., Canons Ashby. John Jackson Blencowe, Esq., Marston St. Lawrence. Hon. R. Watson, Rockingham Castle.
<i>Northumberland</i> ..	William Cuthbert, Esq., Beaufort. Edward John Collingwood, Esq., Chilton House and Lilburn Tower. W. H. Cadogan, Esq., Brinkburn Priory.
<i>Nottinghamshire</i> ..	Charles Paget, Esq., Ruddington. Richard Milward, Esq., Hexgreave Park. William H. Barrow, Esq., Southwell.
<i>Oxfordshire</i> .....	Walter Strickland, Esq., Cokethorpe Park. John S. North, Esq., Wroxton Abbey. Mortimer Ricardo, Esq., Kiddington.
<i>Rutlandshire</i> .....	Hon. Charles Geo. Noel, commonly called Lord Viscount Campden, Flitteris Park. Charles Grantham, Esq., Ketton. William Evans Freke, Esq., Glaston.
<i>Shropshire</i> .....	St. John C. Charlton, Esq., Apley Castle. Rich. Henry Kinchant, Esq., Park Hall. J. C. B. Borough, Esq., Chetwynd Park.
<i>Somersetshire</i> .....	John F. Luttrell, Esq., Dunster Castle. John Lee Lee, Esq., Dillington House. Rich. M. King, Esq., Pyrland Hall.
<i>Southampton</i> .....	John Thomas Waddington, Esq., Twyford Lodge, Winchester. Sir Richard Goden Simeon, Bart., Swainstone, Isle of Wight. John Beardmore, Esq., Fareham.
<i>Staffordshire</i> .....	Charles Smith Forster, Esq., Walsall. Ralph Sneyd, Esq., Kelle. John Levett, Esq., Wychnor.
<i>Suffolk</i> .....	Sir Philip Broke, Bart., Nacton. Henry Wilson, Esq., Stowlangtoft. Wm. Mills, Esq., Great Saxham.
<i>Surrey</i> .....	William Strachan, Esq., Ashurst. Joseph Bonsor, Esq., Pollesden. C. M'Nevin, Esq., Perryfield Oxted.
<i>Sussex</i> .....	Edward Hussey, Esq., Scotney Castle. Sir C. W. Taylor, Bart., Hollycomb Linch. Wm. Townley Mitford, Esq., Pitshill.
<i>Warwickshire</i> .....	Chas. Thos. Warde, Esq., Clepton House. Sir F. Shuckburgh, Bart., Shuckburgh. James Roberts West, Esq., Alscote.
<i>Wiltshire</i> .....	G. E. Eyre, Esq., Warrens, Bramshaw. Wm. Heald Ludlow Bruges, Esq., Seend. Wade Brown, Esq., Monkton Farleigh.
<i>Worcestershire</i> ..	Francis Rufford, Esq., Prescott. John Richards, Esq., Wassell Grove. Arthur Skey, Esq., Spring Grove.
<i>Yorkshire</i> .....	Sir Wm. Bryan Cooke, Bart., Wheatley. Thomas W. Beaumont, Esq., Bretton Hall. Timothy Hutton, Esq., Clifton Castle.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: John Holtby, of York; George Garland, of Worcester. *Scotland*: David Cobb, of Dundee; William Thoms, of Dundee.

**MEMBER RETURNED TO SERVE IN PARLIAMENT.**—Henry Warburton, Esq., for the borough of Kendal, in the room of George William Wood, Esq., deceased.

# TABLE OF COSTS FOR THE TAXATION OF SOLICITORS' BILLS IN BANKRUPTCY.

## PETITIONING CREDITOR'S COSTS.

Instructions for fiat .....	£1	0	0
Examining witnesses as to trading and act of bankruptcy .....	1	0	0
Searching if prior docket struck and paid .....	0	7	8
Drawing and engrossing affidavit of debt .....	0	6	8
Attending to get same sworn .....	0	6	8
Paid oath .....	0	6	8
Attending to strike docket .....	0	6	8
Drawing and engrossing petition for fiat .....	0	10	0
Attesting signature of petitioner .....	0	6	8
Attending to bespeak fiat .....	0	6	8

If from the country, writing agent, with instructions for fiat .....

Agent writing into the country .....

Paid for fiat .....

Fee thereon .....

Attending registrar to ballot for commissioner .....

Paid filing .....

Or, in the country, attending district court to ascertain that fiat is arrived, and balloting for commissioner .....

Attending petitioning creditor, examining particulars of his account against the bankrupt to file with his deposition .....

The personal attendance of the petitioning creditor and of the witness or witnesses, to prove the trading and act of bankruptcy upon the opening of the fiat, may be dispensed with by the court, upon special cause proved to its satisfaction, but in all cases a debtor and creditor's account of the petitioning creditor's demand should be annexed to the deposition or affidavit of debt, as the case may be, and all securities produced, and, if necessary, books to vouch the accounts.

On application to dispense with personal attendance of petitioning creditor or other witness.

Instructions for the purpose .....

Drawing affidavit to ground motion, per folio .....

Fair copying same, ditto .....

Attending to read same and get it sworn .....

Attending court when motion made .....

Paid for order .....

Attending court to obtain appointment to open fiat .....

Preparing summons, and summoning witnesses to opening (when necessary) .....

Paid witnesses .....

Attending to open fiat .....

Only one sitting to open will be allowed for, unless by special order of the court made at the time, (See General Rule as to special orders, No. 9).

Court fee, what paid, (see General Rule 6) .....

Attending to pay same and obtain voucher, (see General Rule 6) .....

Paid for copy proceedings, if bespoken, at per folio .....

Attending for same .....

Fair copy adjudication for the messenger to serve on bankrupt .....

Attending messenger, instructing him as to residence of bankrupt and places of business .....

Attending on bankrupt's consenting to adjudication, or at the expiration of the five days, when, the bankrupt not having shewn cause, the commissioner ordered adjudication to be advertised .....

Attending official assignee, informing and conferring with him on the bankrupt's dealings and on the particulars of the estate and effects of the bankrupt .....

And in country bankruptcies, drawing advertisement for provincial paper, and fair copy .....

Attending to order and pay for insertion .....

Paid inserting advertisements .....

N.B. One, or, when creditors are numerous, two, advertisements preceding choice of assignees, and one preceding last examination, sufficient.

For perusing and examining affidavits of debt with accounts and securities transmitted by creditors re-

siding at a distance, or for preparing affidavits from such accounts and securities, and sending them to the creditor to be sworn, exhibiting them to the court, when returned, and returning the securities, if any, for each affidavit .....

No charge for deposition of creditors.

Attending court on choice of assignees and clerk ....

Court fee, and attending to pay (same as before).

Paid for copy of proceedings, if bespoken, at per fol. ....

Attending for same .....

Attending to get the seal of the court affixed to the assignees' appointment .....

Or in the country, writing agent, with certificate of appointment of assignees, and duplicate .....

His attending principal registrar for seal of the court .....

Paid .....

Letters, messengers, forms, &c. ....

Attending taxing (or more at the discretion of the taxing officer) .....

Court fee on taxation, what paid .....

Attending to pay, and obtain voucher .....

The like charges on enrolment of choice of assignees, when necessary.

## INROLLING IN ORDER TO MAKE PROCEEDINGS EVIDENCE.

Attending instructing registrar to send the record to the office to be inrolled .....

Paid inrolling .....

Attending to get seal of the court placed on the fiat and other papers .....

## THE ASSIGNEES' BILL.

### Last Examination.

Attending to bespeak, and for copy of the bankrupt's balance sheet for creditor's assignees .....

Paid for same, per folio .....

Attending assignees, consulting and advising on bankrupt's balance sheet .....

Attending court final examination, each sitting ....

Clerk's attendance .....

Court fee and attending to pay same (as before).

Paid for copy of proceedings, if bespoken, at per folio .....

Attending for same .....

### Costs of Sitting for Examination of Parties, &c.

Instructions for sitting .....

Attending to get same appointed .....

Filling up each summons and service .....

Attending court .....

Clerk's attendance .....

In special cases, where in the judgment of the taxing officer a brief is required, the solicitor will be allowed the costs of preparing the same, though he conduct the case himself without the aid of counsel. But see General Rule 8, p. 30.

Paid for copy proceedings, if bespoken, at per folio .....

Attending for same .....

### Meetings under 6 Geo. 4, c. 16, s. 88.

Instructions for meeting .....

Drawing advertisement, per folio .....

Fair copy, per folio .....

Attending to insert same in Gazette .....

Paid for advertisement .....

Attending assignees as to meeting .....

Attending meeting, including drawing resolution of creditors and memorandum and fair copying ....

Clerk .....

Paid for room .....

Attending to pay same .....

If sufficient creditors do not attend.

Drawing and fair copy memorandum for the commissioner to sign, and necessary depositions ..

Attending court .....

These meetings will only be allowed to authorize the commencement of a suit in equity, to compound debts, to submit disputes to arbitration, to give a debtor time for payment, or to take security from him for his debt, pursuant to 6 Geo. 4, c. 16, s. 88. A general authority from creditors to assignees is useless. 3 T. R. 23.



*Audit and Dividend.*

The official assignee having sent his account, perusing same .....	0	6	8
Attending creditors' assignees, going through the same .....	0	13	4
Attending court on audit .....	1	0	0
Court fee, and attending to pay same (as before) .....			
Attending court on dividend .....	1	0	0
Clerk's attendance .....	0	5	0
And in country bankruptcies, drawing advertisement for provincial paper, and fair copy .....	0	6	8
Paid for inserting .....			
Court fee, and attending to pay same (as before) .....			
Paid for copy proceedings, if bespoken, at per folio ..	0	0	1½
Attending for same .....	0	3	4
Making out dividend lists, and procuring signature of assignees, at 1s. 6d. each carried up to 100, and after 1s. ....			
Letters, messengers, forms, &c. ....	0	10	0

## CERTIFICATE.

*Bankrupt's Solicitor's Costs.*

Attending bankrupt and taking instructions to apply for sitting of the court for the allowance of his certificate, perusing balance sheet and proceedings ..	0	13	4
Attending the registrar for appointment of sitting ..	0	6	8
And in country bankruptcies, drawing advertisement for provincial paper, and fair copy .....	0	6	8
Paid for inserting .....			
Attending to insert .....	0	6	8
Drawing and fair copy notice to solicitor of assignees sitting appointed .....	0	5	0
Service thereof .....	0	5	0
Drawing and engrossing affidavit of service and getting sworn .....	0	6	8
Attending court on certificate .....	1	0	0
Paid for order .....	0	5	0
Paid messenger's charges .....	0	17	2
Drawing and engrossing certificate and paid for parchment .....	0	5	0
Court fee and attending to pay same (as before) .....			
Drawing and engrossing affidavit of conformity ....	0	6	8
Attending to get same sworn when not sworn at former sitting .....	0	6	8
Attending to file affidavit at Court of Review and to lodge certificate .....	0	6	8
Paid the fee .....			
Drawing and fair copying advertisement .....	0	5	0
Attending for secretary of bankrupt's signature, and at Gazette Office to insert advertisement .....	0	6	8
Paid insertion .....			
Solicitor's fee on allowance of certificate .....	1	0	0

*Costs of Solicitor to the Assignees thereon.*

Attending assignees and taking instructions on notice of sitting for allowance of certificate .....	0	6	8
Attending court on certificate, (each sitting) .....	1	0	0

## SALES OF REAL PROPERTY.

No charge will be allowed to solicitors for drawing particulars of sales, nor for drawing conditions of sale, unless of a special nature, and then for conditions only.			
Instructions for conditions on sale of lands or other conditions of a special nature .....	0	6	8
Drawing same, per folio .....	0	1	0
Fair copy .....	0	0	4
Attending and settling same .....	0	6	8
Engrossing same, per folio .....	0	0	4
Attending examining proof sheets .....	0	6	8
Attending the printer and to pay him .....	0	6	8
Attending the parties who applied for particulars, and affording the requisite information .....	0	13	4
Paid for use of sale room .....			
Attending the sale when necessary .....	1	0	0
Coffee-house expenses on sales will in future be discouraged.			

If the purchase-money exceeds 500 <i>l.</i> , attending with the official assignee to see it paid into the bank ..	1	0	0
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## CONVEYANCES.

Drawing deeds &c., per folio .....	0	1	0
Engrossing at per folio .....	0	0	8
Instructions for abstract (more if very special) ....	0	6	8
Drawing abstract, per sheet .....	0	6	8

Fair copy .....	0	3	4
Where there is a previous abstract, to the extent of that abstract fair copying only will be allowed at per brief sheet .....	0	3	4
Attending with same .....	0	6	8
Attending purchaser, examining abstract according to the length and number of deeds .....			
Perusing draft conveyance, per skin .....	0	5	0
Copy to keep, per folio .....	0	0	4
Attending to return drafts .....	0	6	8
Examining engrossment with deed, per skin .....	0	3	4
Attending execution by each party .....	0	6	8
Attested copies, per folio .....	0	0	6

## REGISTRATION.

Where the bankrupt had freehold or leasehold property in a register county.

Instructions for memorial .....	0	6	8
Drawing same, per folio .....	0	1	0
Engrossing, &c., per folio .....	0	0	8
Parchment .....	0	1	6
Attending to register proceedings .....	0	6	8
Paid thereon .....			
Attending for certificate of registration .....	0	6	8

## COSTS OF SUMMONING TRADER DEBTOR UNDER 5 &amp; 6 VICT. c. 122, s. 11.

Attending creditor, taking instructions for affidavit of debt, and to summon debtor .....	0	6	8
Making copy account and drawing notice for payment .....	0	6	8
If account exceeds three folios, extra per folio ....	0	0	4
Service thereof, (as to distance, see General Rule 3) ..	0	5	0
Drawing and copying affidavit of debt .....	0	6	8
Copy account to annex .....	0	2	6
If exceeding three folios, extra per folio .....	0	0	4
Attending to get same sworn .....	0	6	8
Paid oaths .....			
Attending to file same, and for office copy and for summons .....	0	6	8
Paid filing .....	0	1	0
Paid for office copy, per folio .....	0	0	1½
Preparing summons and copy .....	0	5	0
Paid for summons .....	0	1	0
Service thereof, (as to distance, see General Rule 3) ..	0	5	0
Copy affidavit and notice to annex to affidavit of service .....	0	6	8
Affidavit of service .....	0	6	8
Paid oath .....			
Attending to file same and for office copy .....	0	6	8
Paid for office copy, per folio .....	0	0	1½
Attending court on return of summons, when, &c. ....	0	10	0

## IF DEBTOR ADMITS DEBT AND GIVES SURETIES.

Having received notice that sureties would join in bond, with copies of their affidavit, inquiring into their sufficiency .....	0	13	4
If in the country, or at a distance, letter to agent to inquire .....	0	3	6
Paid his charges .....			
Drawing exception to sureties .....	0	3	4
Service thereof on defendant's attorney .....	0	5	0
Attending court when sureties allowed or disallowed ..	0	10	0

Costs of affidavits in opposition to the allowance of the bond for want of sufficiency of sureties, the same allowances as for other special affidavits (if made).

## COSTS OF TRADER SUMMONED, WHERE THE COURT GIVES COSTS.

The trader's personal travelling expenses from his residence to the court, and allowance for loss of time, according to the scale allowed to witnesses.

If attended by a solicitor, his costs, as follows, in addition.

Attending you on being served with a debtor's summons from Court of Bankruptcy at A. B., conferring and advising on the dealings between you, and taking instructions to attend the court with you .....	0	6	8
Attending the sitting when the commissioner determined, &c., (according to facts), and ordered debtor's costs to be paid to him .....	0	10	0
Attending registrar for order for costs .....	0	3	4
Paid for same .....	0	5	0

Attending for appointment to tax .....	0	3	4
Copy and service of order and appointment .....	0	5	0
If served at a distance, according to General Rule.			
Bill of costs and copy to file .....	0	3	0
Copy for summoning creditor .....	0	2	0
Attending taxing .....	0	6	8

## SUBSEQUENT COSTS IF UNPAID ON DEMAND.

Attending demanding costs .....	0	6	8
Affidavit of service of rule and allocatur and of demand of payment and refusal .....	0	6	8
Paid oath .....	0	1	6
Writ of attachment .....	0	8	0
Attending for same .....	0	3	4
Paid for same .....	0	2	6
Attending instructing officer .....	0	3	4
Paid him .....	1	1	0
Letters, &c. ....	0	2	0

## APPLICATION FOR TIME TO OPEN FIAT.

Being unable to open the fiat within the three days allowed by the statute, attending court, drawing, fair copying, and swearing affidavit to ground motion for time to open same .....	0	13	4
Paid oath .....	0	1	6
Attending to file affidavit and for office copy .....	0	6	8
Paid filing .....	0	1	0
Paid for office copy per folio .....	0	0	1½
Attending court on motion, order made .....	0	6	8
Attending to draw up order .....	0	3	4
Paid for same .....	1	0	0

## COSTS WHERE PETITIONING CREDITOR DOES NOT OPEN THE FIAT WITHIN THE TIME PRESCRIBED, AND ANOTHER CREDITOR PROCEEDS WITH IT.

Attending to search if fiat opened .....	0	6	8
Paid search .....	0	1	0

The remainder of the costs as before.

## APPLICATION FOR WARRANT

under 5 &amp; 6 Vict. c. 122, s. 5, against a person against whom a fiat has issued, about to abscond.

Attending on his representation of facts justifying suspicion that the party was about to quit England, &c., when it was thought advisable to apply to the court for a warrant .....	0	6	8
Instructions for affidavit to ground motion .....	0	6	8
Drawing same, per folio .....	0	1	0
Fair copying same, per folio .....	0	0	4
Attending to read same and get it sworn .....	0	6	8
Attending filing same and for office copy .....	0	6	8
Paid filing .....	0	1	0
Paid for office copy, per folio .....	0	0	1½
Attending court when motion made .....	0	13	4
Paid for order .....	0	5	0
Attending giving instructions as to execution of warrant .....	0	6	8

Application by the party for his discharge from custody on warrant.

Instructions for motion for discharge .....	0	6	8
Drawing notice of motion .....	0	3	0
Copy to serve and service on solicitor to fiat .....	0	5	0
Instructions for affidavit of facts .....	0	6	8

Then similar charges to the above motion.

Opposition to party's discharge from arrest.

Party having served notice of motion for his discharge from custody, search for his affidavit .....	0	6	8
Paid for office copy, per folio .....	0	0	1½
Instructions to oppose motion .....	0	6	8

Costs of affidavit in reply as before, if made.

Attending court on motion being made .....	0	10	0
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## IF THE BANKRUPT OPPOSE ADJUDICATION.

Instructions for brief to sustain fiat .....	0	6	8
Drawing and fair copying, (see title briefs) .....			
Attending Court .....	1	0	0
Clerk .....	0	5	0

## COSTS OF BANKRUPT FOR OPPOSING ADJUDICATION.

Attending you on your having been served with a copy of adjudication, and I was instructed to oppose the adjudication .....	0	13	4
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Attending, examining witnesses, and drawing notice to petitioning creditor's attorney that adjudication would be disputed .....	1	0	0
Attending bankrupt, reading over, and attesting signature .....	0	6	8
Two fair copies .....	0	3	0
Service on petitioning creditor's solicitor .....	0	6	8
The like on registrar and filing .....	0	6	8
Instructions for and drawing brief and attendance, as usual, where requisite to employ counsel .....			
Attending court .....	1	0	0
Paid for order .....	0	5	0
Copy and service .....	0	5	0
Notice of taxing .....	0	3	6
Attending taxing .....	0	6	8

## COMMITMENT.

Drawing warrant of commitment, per folio. See General Rule 8 .....	0	1	0
Fair copying .....	0	0	4

## MORTGAGEE'S ACCOUNT.

## Mortgagee's Solicitor's Costs.

A. B., being a bankrupt, attending you, consulting, and advising thereon, perusing your security and account, and taking your instructions to obtain sale of the mortgaged premises .....	0	13	4
Attending registrar to appoint a time to take mortgagee's account .....	0	6	8
Writing to solicitor to assignees to apprise him thereof, and copy .....	0	3	6
The like to the mortgagee .....	0	3	6
Drawing affidavit of mortgagee and account of principal and interest, per folio .....	0	1	0
Copying the same, per folio .....	0	0	4
Attending the court on taking the account .....	0	13	4
Drawing order for sale, per folio .....	0	1	0
Copying same, per folio .....	0	0	4
Court fee, and attending to pay same, as before.			

## Costs of the Solicitor to the Assignees thereon.

Attending you on being served with commissioner's appointment, and conferring fully on the subject .....	0	6	8
Attending the mortgagee's solicitor, perusing and considering security, and taking full extracts therefrom .....	0	13	4
Attending the court on the accounts being taken .....	1	0	0

## WITNESSES' ALLOWANCE WHEN BROUGHT FROM A DISTANCE.

## For Travelling Expenses.

Solicitors, merchants, bankers, professional men, tradesmen, and messengers, per mile .....	0	0	10
Gaolers, messenger's clerks and men, working men, &c. ....	0	0	7

## For Loss of Time.

Solicitors, &c., per day .....	2	2	0
Brokers, auctioneers, accountants, &c. ....	1	0	0
Solicitors' clerks .....	10s.	to	1 0 0
Tradesmen, &c. ....	0	10	0
Working men, mechanics, &c. ....	0	5	0

## For Subsistence.

Solicitors, merchants, and bankers, per day .....	1	0	0
Tradesmen and others, varying according to circumstances, from 15s. to 10s. and 5s. per day .....			
Gaoler bringing up prisoner .....	0	10	0

The attendance of solicitors to open fiats, &c., who do not reside where the court sits, will not be encouraged, as they may act through an agent. At the choice of assignees or last examination their attendance may be necessary, but then only under special circumstances, and in such cases the permission of the court must be obtained. See General Rule 1.

## CASES.

Instructions for case .....	0	6	8
Drawing same, per sheet .....	0	6	8
Fair copy .....	0	3	4
Fee to counsel and clerk .....	0	6	8
Attending him .....	0	6	8

Attending for case, and perusing opinion.....	0	6	8
Attending client, reading over, and conferring on opinion .....	0	6	8

## BRIEFS.

Instructions for brief .....	0	6	8
Drawing same, per sheet, (Note as to costs on briefs, page 11) .....	0	6	8
Fair copy .....	0	3	4
Fee to counsel and clerk .....	0	6	8
Attending him .....	0	6	8

The briefs to be produced with counsel's signature.

## GENERAL RULES.

- Solicitors not residing at the place where the court sits will not be allowed for loss of time, &c., in attending a sitting of the court, *personally* instead of by agent, unless they obtain from the court, *before or at the time*, its sanction for their *personal* attendance; the usual agency charges will be allowed.
- All necessary attendances upon the court to obtain appointments for sittings, or to make applications, each ..... 0 6 8  
General attendances, each ..... 0 6 8  
If special..... 0 13 4  
Solicitor's fee attending court, each sitting, under fiat or commission, for self and clerk... 1 5 0  
Or, if by agent ..... 2 5 0  
Attending taxing at the discretion of the taxing officer .....  
3. Summons and service, each witness ..... 0 6 8  
If distance upwards of two miles, per mile extra But not to exceed 1*l*.; in cases of greater distances the summons must be served by agent, unless otherwise sanctioned.  
4. Letters, each ..... Special ..... 0 5 0  
Common ..... 0 3 6  
Circular..... 0 1 6  
5. Drawing advertisements and copy, not exceeding six folios ..... 0 6 8  
Exceeding six folios, at per folio ..... 0 1 0  
Copy, at per folio ..... 0 0 4  
Attendances to insert advertisements ..... 0 6 8  
6. Nothing will be allowed for payments out of pocket unless the voucher be produced.  
7. Office copies, per folio ..... 0 0 1*½*  
8. In cases of two or more sittings to open, or the attendance of solicitors from the country, extra allowances for clerks or other special allowances, the opinion of the commissioner must be taken *at the time*, and a note obtained from the deputy registrar to this effect:—"Allow for &c. &c. this day, A. B., deputy registrar of 184 . ." If this form be omitted, the taxing officer will disallow the charge.  
9. This scale of costs to be followed in London and in the country, subject to increase in very special cases on instructions for cases, briefs, deeds, abstracts, conditions of sale, and attendances in court, or to obtain evidence for the purpose of the fiat, and for the benefit of the creditors, at the discretion of the taxing officer; but such costs of increase, where practicable, to be sanctioned by the court before or at the time.  
10. Gazette advertisements of the sittings of the court to be prepared and inserted by the messenger; all other advertisements by the solicitor.

(Signed)

JOSHUA EVANS.  
J. S. M. FOMELANQUE.  
R. G. C. FANE.  
EDWARD HOLROYD.  
HENRY J. STEPHEN.  
EDMUND R. DANIELL.

26th October, 1843.

Approved, LYNDEHURST, C.

## COSTS IN INSOLVENCY, IN THE COURT OF BANKRUPTCY.

## IN THE MATTER OF YOUR PETITION.

Attending you on the subject of your affairs, and taking instructions to prepare necessary proceedings for applying to the Court of Bankruptcy for relief pursuant to the statute .....	0	6	8
Drawing and fair copy notice of intention to present a petition for protection.....	0	5	0
Attending attesting your signature .....	0	6	8
One copy for the Gazette and six for service, making seven in the whole .....	0	7	0
Drawing and fair copy declaration as to signature of notice, &c. ....	0	3	4
Attending to make same .....	0	3	4
Paid.....			
Attending at Gazette Office, Westminster, inserting same in this day's Gazette .....	0	3	4
Paid for insertion .....	0	10	6
Attending at the Times' Office inserting same.....	0	3	4
Paid for insertion .....			
Attending serving Mr. — with notice .....	0	3	0
The like, Mr. — .....	0	3	0
The like, Mr. — .....	0	3	0
The like, Mr. — .....	0	3	0
The like, Mr. — .....	0	3	0
Attending at the Times' Newspaper Office inserting notice a second time for the morrow .....	0	3	4
Paid for same.....			
Paid for two papers .....	0	0	10
Instructions for petition .....	0	6	8
Drawing and engrossing petition .....	0	5	0
Paid parchment .....			
Attending reading over and attesting same .....	0	3	4
Instructions for schedule .....	0	6	8
Drawing schedule, at per folio .....	0	0	8
Engrossing same, at per folio .....	0	0	4
Paid for forms .....	0	3	0
Attending reading over and attesting same .....	0	6	8
Drawing and engrossing affidavit of same .....	0	5	0
The like affidavit of service .....	0	5	0
One oath.....	0	1	6
Attending to file petition, schedule, and documents, and balloting for commissioner .....	0	6	8
Paid filing .....	0	10	0
Attending commissioner when you obtained your interim order .....	0	10	0
Copy schedule for official assignee, per folio .....	0	0	4
Attending official assignee with books .....	0	3	4
Solicitor's fee on first hearing .....	0	10	0
Attending court on your final order, same granted..	0	10	0
Paid messenger's bill.....			
Attending taxing .....	0	3	4
Notice of taxing .....	0	3	4
Letters, &c. ....	0	5	0

The advertisements in the Gazette must be attended to by the messenger, for which pay him the out of pocket and 3*s*. 4*d*.; all other advertisements must be inserted by the solicitor, (see General Rule 10).

## London Gazettes.

TUESDAY, NOVEMBER 14.  
INSOLVENT.

JOHN WARD, Nottingham, tailor and woollen draper.  
BANKRUPTS.

THOMAS GATES JAMES, River-street, Myddleton-sq., Middlesex, builder, Nov. 24 at 3, and Jan. 5 at half-past 1, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Tucker, Sun-chambers, Threadneedle-st., City.—Fiat dated Nov. 7.

ISAAC THOMAS COUCHMAN, High-street, Kensington, Middlesex, and Rickmansworth, Hertfordshire, builder, Nov. 28 at 1, and Dec. 22 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Fisher, 19, Dougherty-street, Mecklenburgh-square, Middlesex.—Fiat dated Nov. 11.

**JOHN SEWELL**, Charles-street, Paddington, Middlesex, victualler and builder, Nov. 24 and Dec. 21 at 1, Court of Bankruptcy, London: Off. Ass. Alasger; Sol. Trott, Crown-court, Threadneedle-street, City.—Fiat dated Nov. 10.

**THOMAS THORPE**, Chertsey, Woking, Surrey, and Feltham, Middlesex, plumber, painter, and glazier, Nov. 23 at 1, and Dec. 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Allen & Nicol, Queen-street, Cheapside.—Fiat dated Nov. 6.

**RICHARD TOULSON**, New Lambeth-house, Westminster-bridge-road, Lambeth, Surrey, furnishing warehouseman, Nov. 23 and Dec. 19 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Sole & Sole, 68, Aldermanbury.—Fiat dated Nov. 1.

**JAMES ZULIANI**, Commercial Sale-rooms, Mincing-lane, London, merchant, Nov. 23 and Dec. 19 at half-past 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Appleton, Fenchurch-buildings, London.—Fiat dated Nov. 11.

**EDWARD SWIFT**, Chingford-mills, Essex, miller, Nov. 21 and Dec. 22 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Tippetts, 6, Pancras-Lane, Queen-street, Cheapside, London.—Fiat dated Nov. 3.

**JOHN WILLIAMS, jun.**, Abingdon, Buckinghamshire, carpet and sacking manufacturer, Nov. 21 and Dec. 22 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Turner & Hensman, Basing-lane, Bow-lane, Cheapside, London.—Fiat dated Nov. 3.

**ADAM WARREN LOWMAN and THOMAS STONE LOWMAN**, Eastcheap, London, cheesemongers, Nov. 24 at 11, and Jan. 3 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Lawrence & Flews, Bucklersbury, London.—Fiat dated Nov. 10.

**GEORGE CHAMBERLAIN**, Wivenhoe, Essex, ship owner, Nov. 24 at 2, and Jan. 3 at 3, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Mawe, New Bridge-street.—Fiat dated Nov. 11.

**ROBERT HAMMOND FRARY and JOHN FRARY**, Oxford-street, Middlesex, carpet warehousemen, Nov. 24 at 12, and Jan. 3 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Lloyd, Milk-street, Cheapside, London.—Fiat dated Nov. 8.

**JOSEPH PEACOCK**, Bradford, Yorkshire, ironmonger, Nov. 29 and Dec. 19 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Cooper, Bradford; Bond, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Oct. 31.

**LUKE FRITH BINGHAM**, Bakewell, Derbyshire, flour seller, grocer, and ale dealer, Dec. 5 and 26 at 1, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Vickers & Jervis, Sheffield; Rodgers, 38, Cheapside, London.—Fiat dated Nov. 1.

**THOMAS WITHELL and WILLIAM WITHELL**, Padstow, Cornwall, ship builders, Nov. 22 and Dec. 20 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hirtzell; Sols. Coodes & Shilson, St. Austell; Coodes & Browne, 28, Bedford-row, Holborn, Middlesex.—Fiat dated Oct. 31.

#### MEETINGS.

*Robt. Youd and Wm. Rennards*, Liverpool, cheese factors, Nov. 28 at half-past 12, District Court of Bankruptcy, Liverpool, ch. ass.—*Daniel Davis*, Newington-causeway, Surrey, earthenware dealer, Nov. 23 at 11, Court of Bankruptcy, London, last ex.—*Jas. Gibbs*, Jermyn-street, Westminster, Middlesex, scrivener, Dec. 1 at 1, Court of Bankruptcy, London, last ex.—*George Keeling*, Manchester, brewer, Nov. 23 at 12, District Court of Bankruptcy, Manchester, last ex.—*Judah de Jacob Pariente*, Bury-street, St. Mary Axe, London, merchant, Dec. 5 at 11, Court of Bankruptcy, London, aud. ac.—*F. P. Everett*, Reading, Berkshire, draper, Dec. 7 at half-past 11, Court of Bankruptcy, London, aud. ac.—*E. H. Foster*, Hathern, Leicestershire, tanner, Dec. 7 at 11, Court of Bankruptcy, London, aud. ac.—*C. Young*, Shirley, Southampton, builder, Dec. 7 at 12, Court of Bankruptcy, London, aud. ac.—*R. Armfield*, King-street, Cheapside, London, button manufacturer, Dec. 7 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Thomas Kewrick*, Oxford-street, Middlesex, horse dealer, Dec. 7 at 1, Court of Bankruptcy, London, aud. ac.—*Philip Beyfus and Solomon Beyfus*, Houndsditch, London, importers of French goods, Dec. 7 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. Norton and Frances Jackson*, Clayton West, High Hoyland, Yorkshire, fancy waistcoat manufacturer, Dec. 5 at half-past 1, Court of Bank-

ruptcy, London, aud. ac.—*James Nuttall and Wm. Elston*, Cambridge, brewers, Dec. 5 at 1, Court of Bankruptcy, London, aud. ac.—*M. Doughty*, Southorpe, Southampton, miller, Dec. 5 at 2, Court of Bankruptcy, London, aud. ac.—*Arch. Leslie and W. Smith*, St. Dunstan's-hill, London, merchants, Dec. 5 at 2, Court of Bankruptcy, London, aud. ac.—*Wm. M. Smith*, Strand, Middlesex, upholsterer, Dec. 5 at 1, Court of Bankruptcy, London, aud. ac.—*William Grayling*, jun., Green-bank, Wapping, Middlesex, tallow-chandler, Dec. 5 at 11, Court of Bankruptcy, London, aud. ac.—*Joseph Y. Oliver*, Cambridge, jeweller, Nov. 28 at half-past 12, Court of Bankruptcy, London, aud. ac.; Dec. 5 at half-past 2, div.—*Wm. Cooke*, Bradford, Yorkshire, worsted spinner, Dec. 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 8 at 11, div.—*John Mease*, Hutton, near Rudby, Yorkshire, flax spinner, Dec. 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Roger R. Preston*, Wakefield, Yorkshire, innkeeper, Dec. 6 at 11, District Court of Bankruptcy, Leeds, aud. ac.—*Robert Davies*, Mallwys, Merionethshire, shopkeeper, Dec. 5 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 6 at 12, div.—*Thos. Eskridge*, Warrington, Lancashire, cotton manufacturer, Dec. 6 at half-past 1, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 12 at 12, div.—*John Anderson*, Aigburth, Lancashire, plumber, Dec. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Robt. Marsh*, jun., St. Helen's, Lancashire, chemist, Dec. 5 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Robert Jones*, Newborough-house, Carnarvonshire, draper, Dec. 6 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Bath*, Bilston, Staffordshire, brandy merchant, Dec. 12 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Thos. Cooke*, Leicester, glove manufacturer, Dec. 6 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Thos. Eardley*, Newcastle-under-Lyme, Staffordshire, hat manufacturer, Dec. 14 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 15 at 11, div.—*Robert Nicholls and J. Groves*, Stamford, Lincolnshire, woollen drapers, Dec. 6 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 7 at 12, div.—*Thos. Heatherley*, Wolverhampton, Staffordshire, miller, Dec. 6 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Benj. Hill*, Birmingham, stationer, Dec. 6 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Thomas Shenton*, Leicester, slater, Dec. 7 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*Charles Odlin*, jun., Stamford, Lincolnshire, mercer, Dec. 5 at 2, Court of Bankruptcy, London, fin. div.—*Thos. Brettell*, Rupert-street, Haymarket, Middlesex, printer, Dec. 5 at half-past 2, Court of Bankruptcy, London, fin. div.—*John L. Gray*, Jermyn-street, St. James's, Westminster, Middlesex, tailor, Dec. 5 at 2, Court of Bankruptcy, London, div.—*Thos. Cooper*, East Dereham, Norfolk, merchant, Dec. 6 at 1, Court of Bankruptcy, London, div.—*D. Lawson*, Mary-le-bone-street, Piccadilly, Middlesex, woollen-draper, Dec. 6 at 12, Court of Bankruptcy, London, div.—*G. Hewitt and Geo. Hewlett*, Manchester, woollen drapers, Dec. 6 at 12, District Court of Bankruptcy, Manchester, div.—*Thos. Aspinall*, Clackbridge Mill, Southorham, Halifax, Yorkshire, worsted spinner, Dec. 5 at 11, District Court of Bankruptcy, Leeds, fin. div.—*Jose L. Fernandes*, Wakefield, Yorkshire, corn millers, Dec. 8 at 11, District Court of Bankruptcy, Leeds, div.—*Donald Black*, John Alfred Gore, and Robert Taylor, Sambrook-court, London, merchants, Dec. 5 at half-past 11, Court of Bankruptcy, London, aud. ac.—*D. Jones*, Pontfaen, Machynlleth, Montgomeryshire, flannel draper, Dec. 5 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Dec. 6 at 11, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Wm. M. Smith*, Strand, Middlesex, upholsterer, Dec. 5 at 12, Court of Bankruptcy, London.—*James Smith*, Hoxton Old-town, Middlesex, linen-draper, Dec. 5 at 1, Court of Bankruptcy, London.—*John Gollop*, David Redmond, and Thomas Kingsnorth, Charles-street, City-road, Middlesex, hinge makers, Dec. 6 at 1, Court of Bankruptcy, London.—*George Stranbridge*, Bristol, builder, Dec. 5 at 12, District Court of Bankruptcy, Bristol.—*Hugh Lloyd*, Machynlleth, Montgomeryshire, surgeon, Dec. 5 at 12, District Court of Bankruptcy, Liverpool.—*George Hall*, Birmingham, leather

seller, Dec. 9 at half-past 11, District Court of Bankruptcy, Birmingham.—*Charles Pearse*, Anderton, Cheshire, boiler maker, Dec. 6 at 1, District Court of Bankruptcy, Manchester.—*John Kilvert*, Manchester, calico merchant, Dec. 5 at 12, District Court of Bankruptcy, Manchester.—*Henry Stutlard*, Manchester, and Clithero, Lancashire, cotton manufacturer, Dec. 5 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 5.

*William Cheworth*, Newton, near Middlewich, Cheshire, brewer.—*Rich. Harrison*, Wolverton, Buckinghamshire, coal master.—*Thos. Lamplugh*, Great Driffield, Yorkshire, grocer.—*Jas. Smith*, Goldsmith-st., Wood-st., Cheapside, London, marsehouseman.—*Jas. Percival*, jun., Whitechapel-road, Middlesex, soap maker.—*Thomas L. Jones*, Wimborne Minster, Dorsetshire, surgeon.—*Wm. Pullen*, Trowbridge, Wiltshire, brewer.—*Nath. N. Solly*, Tivdale, Rowley Regis, Staffordshire, iron master.—*Richard Solly*, Sheffield, iron master.—*John Oliver* and *John York*, Stony Stratford, Buckinghamshire, coal and iron masters.—*Wm. Redhead*, jun., Lime-st., London, ship broker.

#### FIAT ANNULLED.

*Wm. Smart*, Billingshurst, Sussex, dealer and chapman.

#### PARTNERSHIP DISSOLVED.

*Edw. Lawrence* and *Dev. Blenkarne*, Bucklersbury, London, attorneys, solicitors, and conveyancers.

#### SCOTCH SEQUESTRATIONS.

*Rob. Honeyman*, Cupar, Fifeshire, merchant.—*Geo. Allan*, Falmecytown, merchant.—*Adam Clark*, Edinburgh, ironmonger.—*Thos. H. Rigby*, Paisley, coal merchant.—*Andrew Weir*, Kilmarnock, teacher.—*A. Bryce*, Glasgow, victualler.

#### DECLARATIONS OF INSOLVENCY.

*Jane Ryder*, Liverpool, retailer of meat.  
*Geyman Rackstraw*, Ranelagh-st., Pimlico, commercial clerk.  
*Fred. L. Smith*, Coppice-row, Clerkenwell, Middlesex, surgeon's assistant.  
*Robert Berrell*, Strand, warehouse clerk.  
*Fred. Thos. Litolf*, Sherborne-st., Blandford-sq., St. Mary-le-bone, Middlesex, musician.  
*John Shepherd*, Sheffield, scissor smith.  
*Henry W. Heywood*, Newton-moor, Mottram-in-Longden-ale, Cheshire, bookkeeper.  
*John Wilson*, John-st., Blackfriars-road, Christchurch, Surrey, attorney's clerk.  
*John Levy*, High-st., Shadwell, Middlesex, tailor.  
*George John Bennett*, Jubilee-cottages, Chelsea, Middlesex, comedian.  
*James Inch*, Upper East Smithfield, Wapping, Middlesex, licensed retailer of beer.  
*Thomas Powell*, Greenwich, Kent, licensed victualler.  
*James Lindars*, North-street, Hercules-buildings, Lambeth, Surrey, clerk to a Custom-house agent.  
*Jos. Hague*, Strutton-ground, Westminster, Middlesex, shoemaker.  
*James Wilkes*, Kimbolton, Herefordshire, dealer in timber.  
*Jas. Shepherd*, Boston, Bramham, Yorkshire, farmer.  
*Jos. Thompson*, Boroughbridge, Aldborough, Yorkshire, veterinary surgeon.  
*Lewis Harris*, Manchester, quill dresser.  
*Elias Sayner*, Chapel Haddesley, Birkin, Yorkshire, labourer.  
*Thomas Clark*, Nottingham, dealer in bread.  
*Morris Roberts*, Brynagboria, Trawsfynydd, farmer.  
*Joseph Padley*, Gainsburgh, Lincolnshire, cooper.  
*Mary May*, Elm, Ecclesfield, Yorkshire, dealer in hosiery.  
*John Dousett*, Whitecross-st., Union-st., Southwark, Surrey, coach wheelwright.  
*Edward Gill*, Chester, brazier.  
*Mary Barford*, spinster, Pepperstock, Flamstead, near Luton, Hertfordshire, innkeeper's assistant.  
*Joseph Bird*, New North-street, Finsbury, Middlesex, cabinet maker.  
*Thos. Ellwood*, Barnet, Hertfordshire, out of business.  
*Geo. Carr*, Broxton, Malpas, Cheshire, retail dealer of beer.  
*Jas. Jones*, Marford-hill, Gresford, Flintshire, publican.  
*John Ward*, Leeds, mechanic.  
*Mary Dean*, Chorlton-on-Medlock, Lancashire, provision shopkeeper.

#### INSOLVENT DEBTORS.

Saturday, Nov. 11.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Mary Barnett*, Kingston-upon-Hull, widow, No. 60,006 C.; *William Carlton*, new assignee, in place of John King, late assignee, removed.—*Thomas Ship*, Woodbridge, Suffolk, out of business, No. 63,404 C.; *James Hillen*, assignee.—*R. Brinnen*, Port Mahon, Sheffield, Yorkshire, butcher, No. 63,753 C.; *John Baines*, assignee.—*Stephen Wilson*, Malham, near Skipton, Yorkshire, innkeeper, No. 63,717 C.; *William Nicholson*, assignee.—*Thos. Fleetwood*, Wallasey, Cheshire, out of business, No. 61,323 C.; *Thomas Mather*, assignee.—*Sarah Bushell*, Hingham, Norfolk, widow, out of business, No. 63,631 C.; *John Copeman*, jun., assignee.—*James Spurling*, Brundish, near Framlingham, Suffolk, innkeeper, No. 63,945 C.; *George Ransome*, assignee.—*Samuel Marshall*, sen., Sheffield, Yorkshire, out of business, No. 63,358 C.; *Henry Clarke*, assignee.—*Elijah Briggs*, Shelf, near Bradford, Yorkshire, shopkeeper, No. 63,836 C.; *Charles Turner Rhodes*, assignee.—*John Willey*, Hill-top, Attercliffe, Sheffield, Yorkshire, scissor forger, No. 63,925 C.; *Abraham Booth*, assignee.—*Thos. Pearson*, Hatfield Peverel, Essex, railway contractor, No. 63,673 C.; *Thomas Wood* and *Thomas Warren*, assignees.—*Richard Edmonson*, sen., Bottoms, Stansfield, Halifax, Yorkshire, innkeeper, No. 63,855 C.; *John Cadman*, assignee.—*John Scarff*, Walton-on-the-Naze, Essex, dealer in butter, No. 63,971 C.; *Robert Galsworthy*, assignee.—*John Senior*, Heckmondwike, near Dewsbury, Yorkshire, grocer, No. 63,715 C.; *John Jeffery*, assignee.—*Rob. Wilkinson*, King's Lynn, Norfolk, stone mason, No. 64,022 C.; *George Jackson*, assignee.—*Joseph Denison*, Yeadon, near Leeds, Yorkshire, weaver, No. 63,936 C.; *William Leaf* and *Andrew Womersley*, assignees.—*Wm. Spencer*, Addingham, near Skipton, Yorkshire, labourer, No. 63,604 C.; *Thomas Spencer*, assignee.—*Joseph Foss Dessiou*, Cannon-street-road, St. George's in the East, Middlesex, superannuated master in the Royal Navy, No. 1314 T.; *Samuel Foss Dessiou*, assignee.—*Jeremiah Jackson*, Todmorden, near Halifax, Yorkshire, journeyman cotton machine maker, No. 63,959 C.; *George Lister*, assignee.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Dec. 5 at 9.

*George Dominick Patrick Keating*, Seymour-place, Bryanstone-square, Middlesex, bookseller.—*J. Mason*, jun., Mill-street, Dockhead, Surrey, shopman to a greengrocer.—*Thos. William Plumb*, Albion-place, Ball's-pond, Islington, baker.—*Rich. Hingston*, Kensington-place, Kensington, Middlesex, foreman to a boot maker.—*John Bade*, Star-street, Edgware-road, Middlesex, sawyer.—*William Hamman*, sen., Black Horse-yard, Aldersgate-street, cab driver.—*George Hubbard*, Canal-road, near the New Globe, Mile-end, Middlesex, carpenter.—*John Mead*, Warwick-street, Golden-square, Middlesex, gardener.—*William Avriell*, Falcon-court, Southwark, licensed victualler.—*John Smart Murray*, Essex-street, Kingsland-road, Middlesex, clock maker.—*Jos. Murray Johnson*, Fetter-lane, Holborn, London, auctioneer.—*R. J. Hartwell*, Carlisle-cottages, Carlisle-street, Lambeth, Surrey, compositor.—*Wm. Humphries*, Lawrence-street, Cheyne-walk, Chelsea, coffee-shop keeper.—*Wm. Doughty*, Bond-street, Borough-road, Southwark, Surrey, chair maker.—*John Jenkins*, Barrett-street, Princes-road, Lambeth, Surrey, baker.

Dec. 7, at the same hour and place.

*Thos. Reed*, Sidney-street, City-road, carpenter.—*William Clements*, Nelson-place, Camden-town, Middlesex, pastry-cook's porter.—*Jas. Leaver*, Regent-terrace, White Conduit-fields, Middlesex, green-grocer.—*Wm. Gilbert*, Grange-house, Grange-house, Bermondsey, Surrey, general commission agent.—*Jas. Gould*, King-street, Drury-lane, Middlesex, cabinet maker.—*John Clittenden*, Church-street, Islington, leather seller.—*George Lee*, Long-acre, Middlesex, out of business.—*Henry Iveson Jowett*, Hamilton-place, Bagnigge-wells-rd., Clerkenwell, Middlesex, out of business.—*Samuel Gurnell*, Newman-passage, Newman-street, Oxford-street, Middlesex, fruiterer.—*Wm. Freestone*, St. Martin's-lane, and Finchley, Middlesex, assistant wire worker.—*Chas. Geo. Tinney*, Shepperton-place, Lower-road, Islington, out of business.—*Chas. Russell*, Russell-court, Drury-lane, Middlesex, bookbinder's porter.—*Sarah Cartwright Isted*, Lower Islington-terrace, Is-

ington, Middlesex, widow, and butcher's assistant.—*T. Peden*, Berwick-street, Soho, coach maker.

*Court-house, RUTHIN, Denbighshire, Dec. 5 at 10.*

*Richard Parry*, Market-place, draper.—*John Edwards*, Gyffness, Brymbr, near Wrexham, farmer.—*E. Evans*, Abergele, farmer.

*Court-house, BRAUMARIS, Anglesey, Dec. 7 at 10.*

*Hugh Williams*, Amlwch, attorney's clerk.—*O. Edwards*, Brodrynwbach, Cerrigoeswen, joiner.

*Court-house, NORTHAMPTON, (County), Dec. 6 at 10.*

*Joe. Allard*, Northampton, fishmonger.—*Watson Yorke*, Brigstock, near Thropstone, farmer.—*Septimus Allen Leete*, Finedon, dealing in cigars.—*Fred. Bolland*, Newton Broms-hold, Kettering, labourer.—*Robert Collisson*, Evenley, near Bruckley, mason.—*John Fever Ward*, Moulton, plumber.—*Sam. Baker*, Old Stratford Toll-gate, collector of tolls.—*W. Thomson*, Northampton, builder.

*Court-house, CHESTER, (County), Dec. 1 at 10.*

*Jas. Wright*, Ringway, near Altrincham, cattle dealer.

## FRIDAY, NOVEMBER 17.

### BANKRUPTS.

**SAMUEL PEARS**, Old Jewry, London, wine merchant, Nov. 29 at half-past 2, and Jan. 5 at half-past 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Guillaume, 26, Bucklersbury.—Fiat dated Nov. 13.

**THOMAS HALL WOOD**, Penton-street, Pentonville, Middlesex, draper, Nov. 29 at half-past 1, and Jan. 5 at 2, Court of Bankruptcy, London: Off. Ass. Whitmore; Sols. Reed & Shaw, 2, Friday-street.—Fiat dated Nov. 3.

**WILLIAM HEYWARD** and **JOHN JENNINGS**, Walbrook, London, commission agents and outfitters, Nov. 24 at 12, and Jan. 1 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Reed & Shaw, Friday-street.—Fiat dated Nov. 10.

**THOMAS THORPE**, Chertsey and Woking, Surrey, and Feltham, Middlesex, plumber, painter, and glazier, Nov. 23 at 1, and Dec. 21 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Allen & Nicol, Queen-st., Cheap-side.—Fiat dated Nov. 6.

**RICHARD COLLIER**, Hythe and Folkstone, Kent, draper, Nov. 24 at half-past 12, and Dec. 21 at 2, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Reed & Shaw, Friday-street.—Fiat dated Nov. 9.

**JOSEPH GEORGE POETT**, University-street, St. Pancras, Middlesex, surgeon, apothecary, and bookseller, Nov. 27 and Dec. 19 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Buchanan, 8, Basinghall-street.—Fiat dated Nov. 11.

**JOSEPH PIERCE**, Dean-street, Soho, Middlesex, licensed victualler, Nov. 27 at 11, and Dec. 19 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sol. Atkinson, Carey-street.—Fiat dated Nov. 14.

**THOMAS BAYLEY**, West Smithfield, London, licensed victualler, Nov. 25 and Dec. 23 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Teesdale & Co., 31, Fenchurch-street.—Fiat dated Nov. 11.

**GEORGE WHELDON**, Dudley, Worcestershire, clothier, Nov. 27 at half-past 12, and Dec. 21 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Fellowes, jun., Dudley.—Fiat dated Nov. 11.

**ROBERT HALE**, Margate, Kent, bookseller and stationer, Nov. 24 at 2, and Jan. 9 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Berry, 4, Trafalgar-square.—Fiat dated Nov. 16.

**RICHARD TYLER MILBANKE**, Barwood-place, Edgeware-road, Middlesex, surgeon and apothecary, Dec. 1 and 5 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Braham, Chancery-lane.—Fiat dated Nov. 16.

**DANIEL COLLINS**, Bennett's-place, Pollard's-row, Bethnal-green, Middlesex, silk manufacturer and machine maker, Dec. 1 and Jan. 5 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Hudson, Bucklersbury.—Fiat dated Nov. 16.

**THOMAS BOURNE**, Liverpool, corn factor, Dec. 1 at 2, and Dec. 22 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Casanova; Sols. Fredaham, Liverpool; Gregory & Co., Bedford-row, London.—Fiat dated Nov. 16.

**JOHN WARD**, Nottingham, tailor and woollen draper, Nov. 27 at 1, and Jan. 1 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Tynd & Son, Birmingham; Rowland & Hacon, White Lion London.—Fiat dated Nov. 15.

**JOSEPH CRISP**, Liverpool, and Liscard, Cheshire, auctioneer, appraiser, and general agent, Dec. 1 at 1, and Dec. 22 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Fairclough, Liverpool; Maples & Co. 6, Frederick's-place, Old Jewry.—Fiat dated Nov. 10.

**ALEXANDER WESTMORE**, West Derby, Lancashire, joiner and builder, Nov. 30 at 12, and Dec. 29 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Turner Sols. Toulmin, Liverpool; Norris & Co., 19, Bartlett buildings, Holborn, London.—Fiat dated Nov. 13.

**THOMAS BARLOW**, Sheffield, grocer and tea dealer, Nov. 28 and Dec. 19 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearnie; Sols. Ferrell, Sheffield; Blackburn, Leeds, agent to Mr. Ferrell; Duncan, Chancery-lane London.—Fiat dated Nov. 13.

**JAMES HUDSON** and **JAMES BROADBENT**, jun., Gai near Littleborough, and Manchester, calico printers, Nov. 28 and Dec. 28 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Stanway; Sols. Atkinson & Saunders Manchester; Makinson & Sanders, Elm-court, Middle temple.—Fiat dated Nov. 4.

**THOMAS SPINK**, Hillam, Yorkshire, farmer, Nov. 27 at Dec. 20 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Perfect, Pontefract, Yorkshire; Upton & Clapham, Leeds.—Fiat dated Nov. 7.

### MARRIAGES.

*Jas. Goddard* and *H. Goddard*, Market Harborough, Leicestershire, bankers, Nov. 30 at half-past 11, District Court of Bankruptcy, Birmingham, pr. d.—*John Hayford* and *Wm. W. Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, Dec. 6 and 7 at 11, District Court of Bankruptcy Bristol, pr. d.; Dec. 8 at 11, last ex.—*James Wm Slatter*, Oxford, shoe-maker, Dec. 8 at 2, Court of Bankruptcy, London, aud. ac.—*H. Wm. Brand*, Little Stanhope street, May-fair, Middlesex, cook, Dec. 8 at half-past 2, Court of Bankruptcy, London, aud. ac.—*Samuel Napper*, Upper Stamford-street, Blackfriars, Surrey, general dealer, Dec. 11 at 11, Court of Bankruptcy, London, aud. ac.—*John Woe Cardiff*, Glamorganshire, banker, Dec. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*John Millington & Thos. Salter*, Manchester, and Low-mills, near Chorley, Lancashire, calico printers, Jan. 15 at 12, District Court of Bankruptcy, Manchester, aud. ac. joint and sep. est.; Jan. 16 at 12, div. joint and sep. est.—*Rob. Caldecott* and *John Caldecott*, Manchester, silk merchants, Dec. 11 at 1, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 12 at 1, div.—*Tomlinson*, Winterton, Lincolnshire, corn merchant, Dec. 11 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 11 at 11, div.—*Rob. T. Cartwright*, Louth, Lincolnshire, woollen draper, Dec. 11 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 13 at 11, div.—*Thos. O. Hazard & Hen. Bingham*, Sheffield, merchants, Dec. 11 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 13 at 11, div.—*John King*, Kingston-upon-Hull, mercer, Dec. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 16 at 11, div.—*Betty Melmoth*, Yeovil, Somersetshire, victualler, Dec. 13 at 11, District Court of Bankruptcy, Exeter, aud. ac.—*Owen Jones*, Liverpool, draper, Dec. 12 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Chas. Cook*, Liverpool, wool dealer, Dec. 12 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Jemison*, Manchester, victualler, Dec. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*Chas. A. Bradbury*, Stockport, Cheshire, draper, Dec. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.—*John Herring* and *Wm. Herring*, Newcastle-upon-Tyne, merchants, Dec. 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Hen. Yeats*, Leachlade, Gloucestershire, chemist, Dec. 8 at 11, District Court of Bankruptcy, Bristol, aud. ac.; at 12, div.—*Thos. Wileman*, Earl Shilton, Leicestershire, hostler, Dec. 9 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Wacey*, Beech-st., Barbican, London, bookseller, Dec. 11, Court of Bankruptcy, London, div.—*John Mease*, Eton, near Rugby, Yorkshire, flax spinner, Dec. 8 at 11, District Court of Bankruptcy, Leeds, div.—*Roger Robt. Preston*, Wakefield, Yorkshire, innkeeper, Dec. 8 at 11.

District Court of Bankruptcy, Leeds, first and fin. div.—*John Casson*, Liverpool, corn merchant, Dec. 12 at 1, District Court of Bankruptcy, Liverpool, div.—*Joseph Parry*, Haverfordwest, draper, Dec. 14 at 11, District Court of Bankruptcy, Bristol, div.

#### CERTIFICATES.

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Thomas James Whidborne*, Liverpool, chemist, Dec. 12 at 11, District Court of Bankruptcy, Liverpool.—*Owen Jones*, Liverpool, draper, Dec. 26 at 12, District Court of Bankruptcy, Liverpool.—*Charles Chambers*, Peterborough, Northamptonshire, liquor merchant, Dec. 11 at 1, Court of Bankruptcy, London.—*Joseph Robson* and *Thomas Rich. Robson*, St. Martin's-lane, Middlesex, organ builders, Dec. 11 at 12, Court of Bankruptcy, London.—*James Gilson Forster*, Aldgate High-street, London, tailor, Dec. 11 at half-past 12, Court of Bankruptcy, London.—*A. Allen* and *W. Allen*, South Shields, Durham, drapers, Dec. 11 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne.—*J. Sykes*, Millbridge, Birstall, Yorkshire, corn miller, Dec. 14 at 11, District Court of Bankruptcy, Leeds.—*Charles Clark*, Liverpool, wool dealer, Dec. 8 at half-past 12, District Court of Bankruptcy, Liverpool.—*J. Horton*, Hart's-hill, Dudley, Worcestershire, and *Joseph Horton*, St. Peter-street, Islington, iron manufacturers, Dec. 12 at 11, District Court of Bankruptcy, Birmingham.—*John Millington* and *Thomas Salter*, Manchester, and Low-mills, near Chorley, Lancashire, calico printers, Dec. 28 at 12, District Court of Bankruptcy, Manchester.—*Robert Caldecott* and *John Caldecott*, Manchester, silk mercers, Dec. 11 at 12, District Court of Bankruptcy, Manchester.—*James Wood*, Heathfields, within Saddleworth, Yorkshire, woollen manufacturer, Dec. 13 at 12, District Court of Bankruptcy, Manchester.—*Saml. Oliver*, Hollingworth, Mottram-in-Longendale, Cheshire, and *Dinting*, Glossop, Derbyshire, paper maker, Dec. 12 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Nov. 28.

*George Allison*, Darlington, Durham, scrivener.—*John Knight*, Preston, and Lancaster, merchant.—*Joseph Boyd*, Piccadilly, Middlesex, publican.—*John Lithgoe*, Liverpool, cooper.—*Wm. Pease*, Stoney Stratford, Buckinghamshire, baker.—*John Mease*, Hutton, near Rudby, Yorkshire, flax spinner.—*H. H. Hoskins*, Bernard-street, Russell-square, lodging-house keeper.—*Wm. Blanks*, Rochford, Essex, draper.—*Victor Jay*, Castle-lane, Southwark-bridge-road, Surrey, silk hat manufacturer.

#### PARTNERSHIP DISSOLVED.

*John Hamilton Parr* and *Thomas Woodburne*, Liverpool, attorneys at law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Maxwell Banks*, Coupar-Angus, manufacturer.—*John Williamson*, Dalpeddar, near Sarquhar, dealer in horses.—*Wm. Jollie*, Leslie, manufacturer.—*John Black*, Kirkaldy, builder.—*James Stewart*, Dundee, ship owner.—*Robert Crawford*, Bathgate, lime burner.

#### DECLARATIONS OF INSOLVENCY.

*Reuben Rippon Friend*, High Holborn, Middlesex, hosier.—*Jas. Wm. Hawkins*, Charlotte-street West, White Conduit-fields, Islington, Middlesex, carpenter.—*John Harper*, Aspley, Worcestershire, builder.—*John Hinchcliffe*, Cartworth, Kirkburton, Yorkshire, clothier.—*Joseph Russell*, Walsall, Staffordshire, curb and chain maker.—*Alfred Evans*, Clarendon-square, Somers'-town, Middlesex, out of business.—*Charles Coates*, sen., Walnut-tree-walk, Waloot-place, Lambeth, Surrey, out of business.—*Mary Gill*, Hooton-hills, near Loughborough, Leicestershire, widow, farmer.—*Benjamin Crouther*, Mirfield, Yorkshire, maltster.—*Henry Scholfield*, Mirfield, Yorkshire, innkeeper.—*William Turner*, Halifax, Yorkshire, plasterer.—*James Brown*, Southwark-sq., Southwark-bridge-road, Surrey, fishmonger.—*John Holloway*, Ravenstone, Buckinghamshire, butcher.—*John Cousens*, Pound-farm, Thorrington, Essex, farmer.—*Fred. Serle*, Somers-et-street, Aldgate, London, bricklayer.—*Albert Schumper*, Gerard-street, Soho, Middlesex, tailor.

*Thomas Pollitt*, Chorlton-upon-Medlock, Manchester, attorney at law.

*E. A. K. Edgar*, Greenwich, clerk in the Customs.

*Jas. G. R. Loveless*, Little Charlotte-street, Blackfriars-road, Surrey, auctioneer.

*Thomas Tytherleigh*, Castle-street, Leicester-square, Middlesex, butcher.

*Henry Booth*, Chester, licensed victualler.

*James Kelsey*, Lydney, Gloucestershire, grocer.

*George Caswell*, Wribbenhall and Blakebrook, Kidderminster, Worcestershire, accountant.

*Sam. Ray*, Kirkgate, Ripon, Yorkshire, boot maker.

*William Cork*, Peerless-place, City-road, Shoreditch, Middlesex, fruiterer.

*J. Leeson*, Cadogan-st., Chelsea, Middlesex, builder's clerk.

*F. Hart*, Stoke Ferry, Norfolk, grocer.

*Thos. Greenway*, Hateley-heath, West Bromwich, Staffordshire, charter master.

*George Heather*, Philadelphia-terrace, Mount-gardens, Lambeth, Surrey, engraver.

*George Giggs*, Harrow-weald, Harrow, Middlesex, out of business.

*Susan Richmond*, Rayleigh, Essex, widow, out of business.

*John Stratford Best*, Lower Grosvenor-place, Pimlico, Middlesex, out of business.

*Fred. Wigan*, Rugeley, Staffordshire, turnpike-road surveyor.

*Wm. Crossley*, Manchester, retail beer seller.

*Wm. Meaden*, Manchester, waste dealer.

*John Walker*, Manchester, stone mason.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Dec. 8 at 9.

*John Colbron*, Rathbone-place, Oxford-street, Middlesex, stay maker.—*J. Beston*, Branswick-street, Barnsbury-road, Islington, Middlesex, chemist.—*Wm. Randall*, Franklin-row, Chelsea, Middlesex, out of business.—*Robert M. Suckling*, Hendon, Middlesex, blacksmith.—*Wm. Mohbe*, Curtain-road, Shoreditch, Middlesex, out of business.—*Francis Kity*, Dorking, Surrey, out of business.—*Jas. Wm. Hall*, Henry-place, South-street, Long-lane, Bermondsey, fellmonger.—*Charles Wm. Brooks*, Greek-st., Soho, Middlesex, gentleman.—*Jas. Williams*, Poplar, Middlesex, lodging-house keeper.—*Wm. Peacock*, Gloucester-place, Gloucester-street, Camden-town, Middlesex, horse dealer's servant.—*Ed. Thompson*, Cadogan-terrace, Sloane-street, Chelsea, Middlesex, commercial clerk.—*Wm. Newland*, Trinity-cottage, Orchard-street, Poplar New-town, Middlesex, steward of the Sattellite Gravesend steam boat.—*John Batchelor*, Longford, and Harmondsworth, Middlesex, butcher.

Dec. 11, at the same hour and place.

*Wm. Bale*, Leather-lane, Middlesex, assistant to a publican.—*John Porter*, Nelson's-buildings, City-road, Middlesex, dealer in bookbinder's shavings.—*John Cogan*, Woodbine-cottage, Little William-street, Caledonian-road, Islington, Middlesex, carrier.—*John George Gibbons*, Bunhill-row, St. Luke's, Middlesex, out of business.—*Jas. F. Weedon*, Capel, near Dorking, Surrey, licensed victualler.—*Jas. Wykes*, Hanover-street, Walworth-road, Surrey, out of business.—*Thos. Ed. Bushnell*, Paradise-place, Stockwell, Surrey, banker's clerk.—*Joseph Appleton*, Vaughan-terrace, City-road, Middlesex, out of business.—*Geo. Lea*, Windmill-street, Tottenham-court-road, Middlesex, clerk to an attorney.—*Henry Colwell*, jun., Jermyn-street, St. James's, Middlesex, lodging-house-keeper.—*Jas. Barrett*, Whetstone-park, Lincoln's-inn-fields, Middlesex, carpenter.—*J. Wilkinson*, Seabrook-place, White Lion-street, Pentonville, Middlesex, out of business.—*Edwin Poupard*, Red Lion-street, High Holborn, Middlesex, out of business.—*Wm. Redgrave*, Brompton, Middlesex, out of business.—*Pierre A. Tourniere*, Adam-street West, Portman-square, Middlesex, teacher of French.

Court-house, CARNARVON, (County), Dec. 8 at 10.

*John Hughes*, Tynenydd, Llawdubas, quarryman.—*Geo. Allen*, Talsam, gentleman's servant.—*Wm. Ellis*, Col Newydd, Llanddeinolen, labourer.—*Henry Molyneux*, Llanllyfyn, mine agent.—*James James*, Carnarvon, coal dealer.

Court-house, AYLESBURY, Buckinghamshire, Dec. 9 at 10.

*W. Price*, Whitechurch, calf dealer.—*Daniel Grace*, Oving, blacksmith.—*Jos. Stevenson*, Aylesbury, tailor.—*Rich. Rouse*,



Burton Hartshorne, sawyer.—*Josiah Nelmes*, Shabington, agricultural labourer.

*Court-house, BEDFORD, (County), Dec. 8 at 10.*

*Jas. Wilding*, Leighton Buzzard, jobbing gardener.—*Geo. Wilding*, Leighton Buzzard, jobbing gardener.—*John Prigmore*, Charlton, retailer of beer.

#### INSOLVENT DEBTOR'S DIVIDENDS.

*Chas. Crawford, Samuel Moorhouse, and William Whitaker*, Stockport, Cheshire, cotton spinners, Nov. 23, Thompson's, Manchester: 4s. 3d. in the pound.—*J. Comer*, Liscard, Cheshire, and Liverpool, wholesale ale dealer, Nov. 25, Smith's, Wrexham, Denbighshire: 3s. 7d. in the pound.

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	£	s.	d.	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.	£	s.	d.
20	1	0	6	1	8	2	0	6	4	1	9	5	11	0	3	5	4		
21	1	0	8	1	9	2	1	5	4	2	9	9	11	0	3	7	0		
22	1	0	9	1	10	2	2	4	4	3	1	10	0	1	12	6	3	9	0
23	1	0	10	1	11	2	3	3	4	4	1	10	0	1	13	7	3	11	0
24	1	0	11	1	12	2	4	2	4	5	1	12	2	1	14	8	3	13	0
25	1	1	0	1	2	2	5	2	4	6	1	12	2	1	16	9	3	15	6
26	1	1	2	1	2	6	2	2	4	7	1	13	5	1	17	8	3	18	0
27	1	1	3	1	2	9	2	2	4	8	1	14	4	1	19	6	4	1	0
28	1	1	4	1	3	2	8	2	4	9	1	15	4	2	1	5	4	4	0
29	1	1	9	1	3	7	2	9	3	5	0	1	16	11	2	3	10	4	7
30	1	2	1	1	4	1	2	10	4	5	1	1	19	22	6	6	4	10	6
31	1	3	0	1	4	6	11	6	5	2	2	1	7	2	9	8	4	14	0
32	1	3	8	1	5	3	12	8	5	3	2	4	8	2	13	0	4	17	6
33	1	4	3	1	6	0	13	11	5	4	2	6	8	2	16	6	5	1	3
34	1	5	0	1	6	7	12	15	2	5	5	2	8	3	0	4	5	5	0
35	1	5	2	1	7	2	16	6	5	6	2	12	4	3	4	4	5	9	0
36	1	5	10	1	8	0	17	10	5	7	2	16	9	3	8	6	5	13	0
37	1	6	5	1	8	6	19	3	5	8	3	0	9	3	12	8	5	17	6
38	1	7	8	1	9	13	0	8	5	9	3	5	10	3	17	2	6	2	0
39	1	8	5	1	9	10	3	2	6	0	3	10	6	4	2	3	6	7	2
40	1	8	9	1	10	4	3	3	8										

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# The Jurist

No. 359.

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The Lord Chancellor's Court .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.
Master of the Rolls Court	{ G. Y. ROBSON, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor of England's Court .....	{ TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Knight Bruce's Court .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.

Court of Queen's Bench	{ G. J. P. SMITH, Esq. of the Inner Temple; and J. PULLEINE, Esq. of the Middle Temple, Barristers at Law.
Queen's Bench Bail Court	{ A. V. KIRWAN, Esq. of Gray's Inn, Barrister at Law.
Court of Common Pleas, including Appeals under Registration of Voters Act....	{ D. POWER, Esq. of Lincoln's Inn, Barrister at Law.
Court of Exchequer ....	{ W. M. BEST, Esq. of Gray's Inn, Barrister at Law.
Ecclesiastical and Admiralty Courts .....	{ Dr. H. I. NICHOLL, of Doctors' Commons.
Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

LONDON, NOVEMBER 25, 1843.

THERE seems to be a spell and a blight upon the destinies of the Court of Chancery. The costliness and delays of its proceedings had, as we all well know, grown during the last century and a half, and especially under the Fabian tactics of the cunctator Chancellor, to such an extent, that the Court of Chancery became the object of incessant popular and Parliamentary attack, the affected theme of every man's wit or attempts at wit\*, and the real object of most men's terror. Nevertheless, it continued to be resorted to, because, after all, as a system of jurisprudence, equity does, in fact, proceed upon principles founded on a high and refined morality, rendering it applicable, and, in spite of all the incumbrances of its practice and its official machinery, usefully applicable, in the adjustment of causes of litigation wholly beyond the reach of the common law. If this was the case during the popular disgust towards the court, engendered, or, at least, much increased by the procrastination of a man more prone to doubt than to decide, it became still more so when the seals were held by a judge of ardent mind and almost incredible powers of exertion; one, of whom it will, we believe, be said, with a tardy justice, that, although, the very opposite of his great predecessor, he was more prone to decide than to doubt, he has left to the profession, as the result of his brief judicial career, many judgments of great value, whose chief fault is, that the brilliancy of their language takes off attention from the real extent of their learning.

Lastly came a judge, of whose qualifications it would

be presumption in us to say more, than that the clearness with which he expounded the doctrines of equity, the perfect mastery that he possessed over the practice, and that happy judicial temperament which made him bold without being rash; prone to doubt, not in order to escape decision, but as a necessary step in arriving at sound decision; and the protector, but not the slave of forms of proceeding; rendered the unpopular Court of Chancery more resorted to than ever. Then it became apparent, that its work was so multiplying, and, as it was thought, would so continue to multiply upon it, that no men of ordinary human strength could keep down the business; and hence arose the appointment of two, or, rather, (having regard to the fraction of equity that emanated from the equity side of the Court of Exchequer), of about 1·5 new equity judges. At the time even of this change there were not wanting those who predicted, that, unless there were an increase in the strength of the Masters' offices, or a revision of the whole system tending to the same result, viz. increased despatch of business, the increase in the judicial strength of the Court of Chancery would be but a temporary palliative. And the prediction of those persons appears to have been justified. For, although it is quite true that the additional courts have prodigiously increased the despatch of certain stages of Chancery suits, that is to say, have greatly facilitated the advance of causes up to the preliminary decree referring it to the Master to make inquiries, and the final hearing of causes after all the work in the Masters' office has been disposed of; yet it is now fully ascertained, that the effect of the increase of judicial strength, unaccompanied by any increase of efficiency in the Masters' offices, has been little more than to drain business from the courts at a more rapid rate than it can be carried on in the Masters' office—in other words, to empty the courts and choke up the Masters' office.

\* Most of the jokes upon the Court of Chancery have been of the very last degree of platitude. The only good one that we recollect is in a little *jeu d'esprit*, called "The Gentleman in Black," which appeared, we believe, many years ago, in Blackwood's Magazine.

This evil, arising out of the insufficiency of the addition given to the general strength of the court, would not of itself have been, perhaps, of excessive magnitude; for it would have amounted (so far as concerns the parties whose affairs make it necessary for them to resort to the jurisdiction of equity) only to this—that they would not have derived the full benefit of the improvement; neither would it have been permanent, at least to the full extent of the injury at first inflicted on litigants, because, by degrees, the relation between the powers of despatch of the court and those of the Masters' office would have been ascertained, and the supply of business sent into court, and there despatched and sent into the Masters' office, would have been proportioned to the powers of the Masters to get through and return it back to the court to be completed. Such as the mischief was, however, it was still sufficient to neutralize, to a great extent, the promised and anticipated effect of the creation of new courts, viz. increased facility to the public of obtaining the benefits of equitable jurisdiction.

But, as if this were not enough, we were next blessed with the stat. 5 & 6 Vict. c. 103, and the famous Orders of 1842 for carrying out its provisions, on which we have already had occasion to comment in the pages of *THE JURIST*, (vol. 6, p. 445). At the time those Orders were made, the solicitors were understood to be, as a body, dissatisfied with their apparent operation. But as the specific ground of their complaint was, that to them the New Orders brought increase of trouble, and the inconvenience of immediate outlay in the offices, while their fees were diminished in the aggregate; and, as the public labour, with respect to solicitors, under the twofold hallucination of supposing, firstly, that the business of the solicitor is so immensely profitable, that, in lowering the scale of his professional remuneration, you are dealing, not with the question whether it will be worth his while to carry on business or not, but only whether he shall grow slowly and moderately rich, or quickly and immensely rich; and, secondly, that wherever the solicitor loses, the public must gain,—the complaint of the solicitors was, of course, unheeded by the public\*, who, finding that those invisible recipients of accumulated fees, the Six Clerks and the Clerks in Court, were abolished, and that, above all, the solicitors complained, concluded that the New Orders must be of great benefit to them; and, accordingly, loud and general was the welcome of those Orders by those interested in the conduct of Chancery business out of the profession.

Their real effect seems, however, to have been this—that, as the profits of solicitors are not quite so excessive as they are supposed to be, there is a point very easily reached in the Chancery business of a solicitor, at which, having regard to the great outlay he is called upon to make, before there is any practical possibility of return or remuneration; the length of time during which, in ordinary cases, his capital must be outstanding, neither actually producing nor ever to produce any

interest as such; and the dark cloud of contingency which throws its shadow, in cases innumerable, over his prospect of ever receiving either his just professional remuneration, or even his outlaid capital, it becomes a question, whether to decline business is not a more prudent course than to carry it on. And most certain it is, that of late much Chancery business is declined, and still more is brought to a compromise, not because, in the first case, there is no necessity for the adjudication of the court, nor, in the second, because the interests or wishes of the litigants demand a compromise rather than a judicial hearing, but, simply, because very respectable solicitors cannot, without incurring risks, which belong properly only to commercial business, afford to conduct even as much Chancery business as they could before the New Orders\*. The result is, therefore, that there is a practical prohibition against the body of solicitors practising in Chancery, undertaking more than a limited amount of business; the limit being fixed principally by the aggregate amount of capital possessed by that body, and the business being, under the conjoint operation of the New Orders and of the insufficient force of the Masters' offices, less than it was, not merely during the first year of the establishment of the new court, when there was a sort of rush of suitors into Chancery, but during the preceding years.

It is quite certain that we are right in our statement of the great stagnation of equity business. The state of the cause lists—the now frequent absence of judges, literally from want of business to dispose of—and the united testimony of the Bar and the solicitors, support the assertion, that the Court of Chancery is not half occupied. If we are right in our exposition of the causes, or, at least, of some of the causes of this, it is quite certain, first, that the public are still de facto, to a great extent, denied the administration of equity jurisdiction; secondly, that that denial arises out of, on the one hand, the neglect of reform in the Masters' offices, and, on the other, undue and impolitic pressure on the solicitor; and, thirdly, that the evil will not remedy itself, because it arises out of difficulties incapable of voluntary adjustment as between the solicitor and the client; and that it can only be cured by proportioning the strength of the subordinate courts to that of the superior ones, and by withdrawing, in some form or other, from the profession that pressure which renders all but large capitalists unable to pursue their legitimate occupation, of undertaking the suits of parties standing in need of the assistance of the court.

#### COURT OF COMMON PLEAS. MICHAELMAS TERM.—7 VICT.—Nov. 22.

This Court will, on Wednesday the 6th day of December next, hold a Sitting, to give judgment in such cases as stand over for the judgment of the Court.

N. C. TINDAL.

\* When we speak of the public in dealing with subjects of this kind, we mean, of course, those persons or classes of persons whose property or pursuits make them liable to litigation in equity. The general public, every one must be well aware, cares as little about the state of the Court of Chancery, as it does about that of the Board of Green Cloth.

\* Various statements of actual statistical facts have been made, which are generally received as correct in the profession, and which, if they are so, abundantly prove that much business must be rejected, on the mere ground of incapacity in the solicitor to meet the expenses. It is said, for instance, that, in many houses of business sufficiently large to afford an indication of averages, the outlay since the New Orders, in conducting Chancery business, is in the ratio of about ten to seven of what it was before.

# OF THE TIME WHEN INJUNCTIONS TO STAY PROCEEDINGS AT LAW MAY BE OBTAINED AND DISSOLVED.

Until lately it was conceived to be the practice, that the common injunction could only be granted during the public sittings of the court; the greatest departure from the ancient practice, that, out of term it could only be granted on a seal day, being supposed to be the rule recognised in *Earl of Chesterfield v. Bond*, (2 Beav. 263), that a common injunction may be granted on any day, in or out of term, on which the court is sitting. It was thought a still more clear and stringent rule, that an injunction to stay proceedings at law could never be dissolved except on a seal day; though why either of these rules should have existed, there seems no very good reason.

It has, however, been decided during the late long vacation, that the common injunction may be both granted and dissolved as well during the long vacation as at any other time; and as well in the judge's private room, or in any other place where the judge thinks fit to sit, as in open court; or to speak, perhaps, more accurately, it seems to be held that, wherever the judge is and sits as judge, there the court is open.

The following is a report of the case in which these points and some others bearing on the practice on dissolving injunctions, were determined:—

LANE v. BARTON.

1. *The common Injunction may be dissolved at any Time.*
2. *A Motion to discharge an Order for Irregularity, ought to be made in the first Instance to the Court pronouncing such Order.*
3. *It is not necessary that a Notice of Motion should upon the Face of it state that it is made by the special Leave of the Court, if the Party served is in Fact informed that such is the Case, either by Letter written for that Purpose, or by the peculiar Form of the Notice; as a Rule Nisi to dissolve the common Injunction, returnable on a Day certain.*

In this case the common injunction staying execution at law was granted by the Vice-Chancellor of England on the 17th August, 1843, being after all the courts had risen for the long vacation. The Registrar declined drawing up the order without having the Vice-Chancellor's own signature on the brief; it being the general opinion of the officers of the court, that no common injunction could be obtained in the long vacation. A motion was made before the Vice-Chancellor in his private room on the 20th August, to discharge the order for irregularity, which his Honor refused, with costs, saying that he had made several similar orders since the courts had risen; and that, although not strictly sanctioned by the Orders and former practice of the court, yet, from the press of business, such a relaxation of the practice was a matter of necessity, and that the defendant might appeal to the Lord Chancellor.

The answer being put in, an application was made to Vice-Chancellor Wigram, on behalf of the defendant, on the 28th August, for leave to serve the order nisi to dissolve the injunction, returnable on the 31st. The Vice-Chancellor at first doubted if he had power to make the order returnable, except on a seal day; but, on the authority of *Fielding v. Capes*, (4 Madd. 393), and a recent case of *Newton v. Murray*, before Vice-Chancellor Knight Bruce, (in which, as appeared by the Registrar's book, his Honor ordered cause to be shewn against dissolving the common injunction on a day not a seal day), Vice-Chancellor Wigram gave leave to serve the plaintiff with the order nisi for dissolving the injunction unless cause should be shewn on the 31st.

It was found to be impossible to draw up the order

nisi on the 28th, and, therefore, a letter was written to the plaintiff's agent, informing him that the Vice-Chancellor had made the order, and that it should be served on him as soon as it could be drawn up.

On the 31st, the plaintiff did not appear, and the order nisi was made absolute by Vice-Chancellor Wigram.

By the special leave of the Lord Chancellor, a notice of motion was served on the defendant's agent for October 3rd, that the orders of the 28th and 31st August might be set aside for irregularity, with costs.

*Cooke*, for the plaintiff, contended, first, that the service, being on the 29th for the 31st, was bad, and that the order founded upon it could not be sustained; that the order nisi was, in fact, the common order; and that there was nothing about it to lead the plaintiff to believe that the Vice-Chancellor had given leave to give a shorter notice of motion than the rules of court required, viz. two clear days: secondly, that the Vice-Chancellor had no power to dissolve the injunction; that the old practice was strict, that no injunction to stay proceedings at law should be granted or dissolved except on a seal day; and that, although this rule had been so far modified, that the common injunction might be obtained at any time, the alteration had gone no further.

*Whistley*, in support of the order, relied upon the form of the order nisi, which was entirely different from the common form, to shew "cause within eight days," and was equivalent to a notice of motion by special leave of the court, as the Registrar would not, without the special leave of the court, draw up such an order; and as it is competent to the court to allow a motion to be made upon notice, however short, there was no irregularity committed here, for, the letter written to the plaintiff's agent distinctly stated, that the Vice-Chancellor had made the order on the 28th, but that it could not be drawn up until the following day. The plaintiff could not, therefore, allege, that he was not duly apprised that the order was a special order, and not the common order nisi. He also urged that the objection for irregularity should have been made before the Vice-Chancellor, and could not be made matter of appeal. [Upon this point, Mr. *Cooke* stated, in answer to a question from the Lord Chancellor, that he had mentioned the case to the Vice-Chancellor, but, finding him quite satisfied that the order was correctly made, he had declined incurring the almost certain risk of having his motion dismissed with costs.] Upon the second point, it was contended, for the defendant, that it would be extraordinary that a defendant at law should, (as in this case), after verdict, be entitled to obtain the common injunction, (which it is almost always possible for a plaintiff in equity to do); and that, whatever the merits of the case might be, the injunction could not be dissolved until the following term, and the plaintiff at law thus lose the whole fruits of his verdict; and he cited the case from 4 Madd., and the case before Vice-Chancellor Knight Bruce.

THE LORD CHANCELLOR held, as to the first point, that the Vice-Chancellor had full power to allow a notice of motion to be given for any time, although less than two days should intervene; and that the letter, written to the plaintiff's agent on the 28th, and the form of the order nisi, were quite sufficient notice to the plaintiff, that the notice was so given by the special permission of the court; and that, such being the case, there could be no irregularity; also, that the motion to discharge the orders, on that ground, ought first to have been made to the Vice-Chancellor. On the second point, his Lordship said, he felt no doubt that the Vice-Chancellor had full jurisdiction to dissolve the injunction; that, if the court was always open to grant injunctions, it was also always open to hear and decide upon the merits of the plaintiff to hold such injunction; and he refused the motion, with costs.



LIST OF SHERIFFS NOMINATED BY THE  
LORDS OF THE COUNCIL FOR THE PRIN-  
CIPALITY OF WALES FOR 1844.

<i>Anglesey</i> .....	Thomas Asaheton Smith, Esq., Trefarthin. Edmund Edward Meyrick, Esq. Cefncock. John Williams, Esq., Treffos.
<i>Breconshire</i> ....	Howel Gwyn, Esq., Abercrae. Thos. Turner Roberts, Esq., Llwynderrw. Henry Thomas, Esq., Llwynmadoc.
<i>Cardiganshire</i> ....	Philip John Miles, Esq., Priory, Cardigan. John Philipps Lloyd, Esq., Mabws. Matthew Davies, Esq., Tan y Bwlch.
<i>Carmarthenshire</i> ..	John Hen. Phillips, Esq., Dyffryn Brogyn. Walter Price H. Powell, Esq., Macsogwyn. Rawley A. Mansel, Esq., Llandarog.
<i>Carnarvonshire</i> ..	John Browning Edward, Esq., Glyn Afon. John Price, Esq., Garth y Glo. Joseph Huddart, Esq., Bryn kir.
<i>Denbighshire</i> ....	Henry Warter Meredith, Esq., Pentreby- chan, Wrexham. Francis James Hughes, Esq., Horsley Hall, Wrexham. T. Griffith, Esq., T. valyn Hall, Wrexham.
<i>Flintshire</i> .....	Sir Richard Puleston, Bart., Emral. Llewellyn F. Lloyd, Esq., Cilcen Hall. Arthur Jones, Esq., Wepre Hall.
<i>Glamorganshire</i> ..	Thos. T. Drake, Esq., St. Donat's Castle. Sir Thomas Digby Aubrey, Bart., Llantry- thid Park. John Bruce Price, Esq., Duffryn.
<i>Merionethshire</i> ..	David White Griffith, Esq., Sygun. Geo. Aug. Huddart, Esq., Plasynpenrhyn. John Lloyd, Esq., Cwmorthin.
<i>Montgomeryshire</i> ..	John Owen, Esq., Broadway. John W. L. Winder, Esq., Vaenor Park. John Glyn Mytton, Esq., Penylan.
<i>Pembrokeshire</i> ..	W. C. A. Philipps, Esq., St. Bride's Hill. Abel Lewis Gower, Esq., Castlemalgwyn. Charles Cook Wells, Esq., Tenby.
<i>Radnorshire</i> ....	Hon. Frederick G. Hamilton, Llanbister. David James, Esq., Presteigne. J. A. Whittaker, Esq., Newcastle Court.

GENTLEMEN CALLED TO THE BAR.

LINCOLN'S INN, Nov. 22.—E. H. Denison, R. W. Newman, R. S. White, jun., R. Pauncefote, J. Barker, F. J. Wood, J. M. F. Ludlow, Esqrs., and The Hon. R. Grimston.

INNER TEMPLE, Nov. 17.—J. C. Heath, P. M. Ashworth, G. H. Hewit, and J. M. Giffard, Esqrs.

MIDDLE TEMPLE, Nov. 3.—H. Mills, V. S. Lean, J. W. M. Fonblanque, W. Partridge, D. Morrin, D. W. Nash, and T. C. Smith, Esqrs.

GRAY'S INN, Nov. 22.—W. Payne, J. Barber, and D. Finney, Esqrs.

MASTERS IN CHANCERY.—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: John Bailey Girdlestone, of Pontefract, Yorkshire; Henry Edward Astley, of Hungerford, Berkshire.

London Gazettes.

TUESDAY, NOVEMBER 21.

BANKRUPTS.

JOHN MARRIOTT WINTLE, Drury-lane, Middlesex, silversmith, Dec. 1 at half-past 11, and Jan. 2 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Archer, Harper-st., Red Lion-sq.—Fiat dated Nov. 17.

HUGH WELCH DIAMOND, Frith-street, Westminster, Middlesex, surgeon and apothecary, Dec. 1 at half-past 10, and Jan. 1 at 1, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Protheroe, Furnival's-inn.—Fiat dated Nov. 17.

RICHARD BLUNDEN, Alton, Southampton, plumber, glazier, and ironmonger, Dec. 1 at 12, and Jan. 2 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Cole & Co., Basingstoke; Johnson & Co., Temple.—Fiat dated Nov. 17.

JOHN BALL, St. George's-place, Hyde-park-corner, Middlesex, tailor, Dec. 1 at 11, and Jan. 9 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Haddan, Lime-street-square.—Fiat dated Nov. 17.

GEORGE ZACHARIAH WHITE, Northam-road, St. Mary, Southampton, stone-mason and builder, Dec. 1 and Jan. 5 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Gem & Co., Lincoln's-inn-fields.—Fiat dated Nov. 18.

JOHN DONNIGER HINKMAN, Harley-st., Cavendish-square, Middlesex, wine merchant, Dec. 1 at 2, and Jan. 12 at half-past 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Watts, Bedford-row.—Fiat dated Nov. 16.

CULLUM DADE LEEDER, Billingsford, Norfolk, cattle dealer and farmer, Dec. 9 at 1, and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Taylor, Norwich; Clarke & Co., Lincoln's-inn-fields.—Fiat dated Nov. 16.

EDWARD PAYNE BEST, Crutched-friars, London, and Crooms-hill, Greenwich, Kent, wine merchant, Dec. 9 at 12, and Jan. 12 at 11, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Peachey, 17, Salisbury-square, Fleet-street.—Fiat dated Nov. 16.

ARTHUR ATHERLEY NEWMAN, High-street, White-chapel, Middlesex, saddler and harness maker, Dec. 1 at 12, and Jan. 9 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sols. Weir & Smith, Coopers'-hall.—Fiat dated Nov. 20.

SAMUEL JONES, Cheapside, London, jeweller, Dec. 5 at 11, and Jan. 10 at 1, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Randell, 23, Birchin-lane.—Fiat dated Nov. 18.

JUKES COULSON and HARRY PHIPPS, Clements-lane, London, shipping ironmongers, Dec. 1 at 2, and Jan. 10 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Adcock, 3, Copthall-buildings.—Fiat dated Nov. 16.

HENRY HOLMES FISHER, Bury-street, St. James, and Duke-st., St. James, Middlesex, tailor and army clothier, Dec. 1 at 12, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Cook & Sanders, 1, New-inn, Strand.—Fiat dated Nov. 17.

JOHN WOOLLAND BAKE, Bristol, currier and leather seller, Dec. 5 and Jan. 2 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Smith, Bristol; Clarke & Co., Lincoln's-inn.—Fiat dated Nov. 14.

HENRY HARRIS, Lanaravon, near Newport, Monmouthshire, shopkeeper and farmer, Dec. 7 at 11, and Jan. 3 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Harris.—Fiat dated Nov. 11.

JOHN MAY, Pickwick, Corsham, Wiltshire, victualler, Dec. 6 at 12, and Jan. 3 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Godney & Fellowes, Chippenham.—Fiat dated Nov. 6.

THOMAS SAMUEL SHARLAND, Frome Selwood, Somersetshire, linen draper, Dec. 5 at 1, and Jan. 2 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Acraman; Sol. Miller, Frome, Somersetshire.—Fiat dated Nov. 10.

THOMAS KIMBER, North Cerney, Gloucestershire, farmer and miller, Dec. 6 at 11, and Jan. 2 at 1, District Court of Bankruptcy, Bristol: Off. Ass. Miller; Sols. Sewell & Newmarsh, Cirencester.—Fiat dated Nov. 11.

**CHARLES FREDERICK DEWSON**, Birmingham, victualler, stamper, and piercer, Dec. 1 at 12, and Jan. 5 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sol. Bartlett, Birmingham.—Fiat dated Nov. 15.

**MOSES RAPHAEL and AARON NATHAN**, Kingston-upon-Hull, silversmiths and jewellers, Dec. 2 and 21 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Bond, Leeds; Peacock & Wilkin, Bartholomew-close, London.—Fiat dated Oct. 31.

## MEETINGS.

**John Bretton**, Darlington, Durham, innkeeper, Dec. 13 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—**Wm. Shepherd**, jun., Tron Acton, Gloucestershire, miller, Dec. 12 at 1, District Court of Bankruptcy, Bristol, last ex.—**Ed. Hilton and Nath. Walsh**, Over Darwen, Lancashire, paper makers, Dec. 16 at 11, District Court of Bankruptcy, Manchester, last ex.—**Fred. Messenger**, Liverpool, Lancashire, corn merchant, Dec. 12 at 1, District Court of Bankruptcy, Liverpool, last ex.—**Thos. Megarey**, Love-lane, Billingsgate, London, coal merchant, Dec. 12 at 12, Court of Bankruptcy, London, aud. ac.—**Charles Beck**, jun., Leadenhall-st., London, ship and insurance broker, Dec. 14 at 2, Court of Bankruptcy, London, aud. ac.—**Geo. Fred. Widnall**, Edgeware-road, Middlesex, stationer, Dec. 14 at half-past 1, Court of Bankruptcy, London, aud. ac.—**Sollay Jos. Manning**, Camomile-street, London, and Halleford, near Shepperton, Middlesex, manufacturer of bitters, Dec. 14 at 12, Court of Bankruptcy, London, aud. ac.—**John R. Spencer**, Halstead, Essex, tanner, Dec. 14 at 1, Court of Bankruptcy, London, aud. ac.—**Wm. D. Hart**, Ballingdon, Essex, tailor, Dec. 12 at 12, Court of Bankruptcy, London, aud. ac.—**Samuel Billingsly**, jun., Harwich, Essex, merchant, Dec. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.—**John Aplin**, Bicester, Oxfordshire, scrivener, Dec. 12 at half-past 12, Court of Bankruptcy, London, aud. ac.—**Wm. Bates**, Welbeck-street, Cavendish-square, Middlesex, auctioneer, Dec. 12 at half-past 1, Court of Bankruptcy, London, aud. ac.—**Hannah Charlton**, Regent-street, Middlesex, milliner, Dec. 12 at 1, Court of Bankruptcy, London, aud. ac.; Dec. 13 at 11, div.—**Jas. Denney**, Coaley-mills, near Uley, Gloucestershire, woollen manufacturer, Nov. 30 at 1, Court of Bankruptcy, London, aud. ac.; Dec. 12 at half-past 1, div.—**Elliott Lewis Arons**, St. James's-place, Aldgate, London, oil merchant, Dec. 12 at half-past 11, Court of Bankruptcy, London, aud. ac.; Dec. 19 at half-past 11, div.—**George Jackson**, Hertford, upholsterer, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac.—**M. Potter**, New Bond-street, Middlesex, haberdasher, Dec. 12 at half-past 12, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 12, div.—**Geo. Winning**, Dover-street, Piccadilly, Middlesex, upholsterer, Dec. 12 at 1, Court of Bankruptcy, London, aud. ac.—**Thos. Baker**, Newport, Monmouthshire, innkeeper, Dec. 14 at 1, District Court of Bankruptcy, Bristol, aud. ac.—**Thos. Caldicott**, Newport, Monmouthshire, grocer, Dec. 12 at half-past 12, District Court of Bankruptcy, Bristol, aud. ac.; Dec. 14 at 11, div.—**Hen. Wm. Hobhouse**, J. Philoit, and **Chas. Lowder**, Bath, Somersetshire, bankers, Dec. 14 at 12, District Court of Bankruptcy, Bristol, aud. ac.—**William Walker and Jas. Gray**, Leeds, woolstaplers, Dec. 14 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 16 at 11, fin. div.—**Rich. Hunt**, Kingston-upon-Hull, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**John Ridsdale**, Headingley, Leeds, stuff merchant, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 20 at 11, div.—**Thomas Sanderson**, Leeds, woollen draper, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 20 at 11, div.—**Edmund Smith**, Sheffield, innkeeper, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 20 at 11, div.—**Henry W. Blackburn**, Bradford, Yorkshire, woolstapler, Dec. 18 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 20 at 11, div.—**Chas. Parkins**, Leeds, worsted spinner, Dec. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.—**Samuel Waite**, Farnley, Leeds, cloth manufacturer, Dec. 12 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 15 at 11, div.—**Rich. Hodgson**, Sunderland, Durham, tea dealer, Dec. 12 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Dec. 13 at 11, div.—**James C. Lister**, Wolverhampton, Staffordshire, wine merchant, Dec. 12 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Thos. Goodwin and W. H. Griffin**, Loscoe, Heanor, Derbyshire, lime burners, Dec. 12 at 11, District Court of Bank-

ruptcy, Birmingham, aud. ac.—**Robert Smith**, Worcester, attorney, Dec. 12 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 13 at half-past 12, div.—**Saml. Canning**, Warwick, victualler, Dec. 12 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—**Wm. Miller**, St. Martin's-lane, Charing-cross, Middlesex, wine merchant, Dec. 14 at half-past 12, Court of Bankruptcy, London, div.—**J. Gilligan**, Ham, Surrey, baker, Dec. 13 at 3, Court of Bankruptcy, London, div.—**John N. George**, Upper Berkeley-street, St. Mary-le-bone, Middlesex, bookseller, Dec. 12 at 2, Court of Bankruptcy, London, div.—**Chas. A. Rowe**, Leicester, draper, Dec. 13 at 1, District Court of Bankruptcy, Birmingham, aud. ac.—**John Hedderly**, Nottingham, druggist, Dec. 18 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—**Hugh Bullen**, Liverpool, brewer, Dec. 14 at 11, District Court of Bankruptcy, Liverpool, fin. div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

**John Walter Gray and Robert Gray**, Bishop's Waltham, Southampton, corn dealers, Dec. 12 at half-past 1, Court of Bankruptcy, London.—**James Bean**, Argyll-street, Oxford-street, Middlesex, tailor, Dec. 12 at 12, Court of Bankruptcy, London.—**Chas. Beck**, jun., Leadenhall-street, London, ship and insurance broker, Dec. 15 at half-past 1, Court of Bankruptcy, London.—**Jas. L. Woodruff**, Great Missenden, Buckinghamshire, innkeeper, Dec. 13 at 11, Court of Bankruptcy, London.—**Rich. Hodgson**, Sunderland, Durham, tea dealer, Dec. 12 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne.—**Rich. Marsden**, Brynmawr, Llanelly, Breconshire, linen draper, Dec. 22 at 1, District Court of Bankruptcy, Bristol.—**Robt. John Cambridge**, Cheltenham, Gloucestershire, wine merchant, Dec. 18 at 11, District Court of Bankruptcy, Bristol.—**Hugh Parker**, **Offley Shore**, **John Brewin**, and **John Rodgers**, Sheffield, Yorkshire, bankers, Dec. 13 at 11, District Court of Bankruptcy, Leeds.—**George S. Streader**, Oldham, Lancashire, contractor for public works, Dec. 16 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 12.*

**John Woollam**, St. Alban's, Hertfordshire, silk throwster.—**Henry Yeatman**, Lechlade, Gloucestershire, chemist.—**Jas. Wilkinson**, Dudley, Worcestershire, vice-maker.—**Eliz. H. Foster**, Hathern, Leicestershire, tanner.—**Richard Littledeyke**, Bradenell-place, New North-road, Middlesex, linen draper.—**John Stevens**, Britwell Salome, Oxfordshire, ironfounder.—**Thos. M. Whiteley**, Liverpool, hatter.—**Geo. Parsons**, Long Sutton, Lincolnshire, surgeon.—**Thomas Hitchcock**, Alrewas, Staffordshire, worsted manufacturer.—**John B. Herbert**, Gloucester, tea dealer.—**John Lythgoe**, Liverpool, cooper.—**John Frost**, Bristol, baker.—**Henry Jones**, Canterbury, victualler.—**John Thos. Blanks**, Southminster, Essex, grocer.

## FIAT ANNULLED.

**John Davies and Richard Davies**, Chiswell-street, Middlesex, drapers.

## PARTNERSHIP DISSOLVED.

**Chas. Richardson**, **Geo. M. Smith**, and **Hen. Julius Jones**, Golden-square, Westminster, attorneys and solicitors.

## SCOTCH SEQUESTRATIONS.

**John Law**, Kilmarnock, grain merchant.—**James Milne**, Glasgow, house painter.—**James H. Blain**, Dundee, banker.—**Baillie and Black**, Brechin, manufacturers.—**James Forrest**, Hyndford, near Lanark, farmer.

## DECLARATIONS OF INSOLVENCY.

**George Luttrell Armstrong**, Liverpool, schoolmaster.  
**James Hunter Thomson**, Liverpool, tinman.  
**Alex. Watkins**, Judd-street, Brunswick-square, Middlesex, watch maker.  
**Alex. Bresler**, Little Carter-lane, Doctors'-commons, London, furrier.  
**Rich. F. Burton**, Hackney, Middlesex, clerk to a lime burner.  
**George Fowler**, Banwell, Somersetshire, brewer.  
**Richard Barratt**, Shipton-on-Cherwell, Oxfordshire, butcher.  
**Israel Kibington and William Kibington**, Norton-st., Portland-place, Middlesex, cabinet makers.  
**Abel Uglow**, Aldergate-street, London, out of business.  
**John Bytheway**, Dudley, Worcestershire, shoemaker.

*Daniel Alban Darling*, Hackney, Middlesex.  
*J. Terrell*, Clarence-street, Rotherhithe, Surrey, shipwright.  
*John Slater*, Brunswick-cottages, Brunswick-street, Hackney-road, Shoreditch, Middlesex, commercial traveller.  
*Charles John Burnham*, Olney, Buckinghamshire, druggist's assistant.  
*Benjamin Bowtell*, Bridge-road, Lambeth, Surrey, bookseller.  
*George Selwyn*, Flat, near Westbury-upon-Severn, Gloucestershire, cattle dealer.

### INSOLVENT DEBTORS.

*Saturday, Nov. 18.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Ducker*, Brimscome, near Stroud, Gloucestershire, railway contractor's assistant, No. 64,071 C.; *John Ward*, assignee.—*Wm. Greenwood*, Headingley, near Leeds, chemist, No. 63,918 C.; *James Keighley* and *William Clough*, assignees.—*James Barker*, Oxford-street, Middlesex, victualler, No. 24,061 T.; *Thomas Bedford*, assignee.—*Augustus Newton*, Ripon, Yorkshire, and Cheltenham, Gloucestershire, barrister at law, No. 55,686 C.; *Edward Healy*, assignee.—*John Watson Doughty*, York, bacon factor, No. 63,654 C.; *William Simpson*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Dec. 12 at 9.*

*Geo. Buck*, Bloomsbury-square, Middlesex, tailor.—*Henry Annett*, Twickenham, Middlesex, miller.—*Wm. Hatchett*, Well-street, New Montague-street, Brick-lane, Spital-fields, Middlesex, labourer.—*John Robbins*, Queen's-row, St. John-street-road, Clerkenwell, Middlesex, watchmaker.

*Dec. 14, at the same hour and place.*

*Thomas Ingleton*, Salisbury-square, Fleet-street, London, deputy storekeeper in her Majesty's ordnance.—*R. Beckett*, Wandsworth, Surrey, harness maker.—*David Morgan*, Wormwood-street, London-wall, London, milkman.—*Jos. Eyles*, Long-acre, Middlesex, carpenter.—*Henry Pughe Musgrove Owen*, Bedford-place, Russell-square, Middlesex, out of business.—*Jas. Geo. Blurton*, Old Brompton, Middlesex, clerk to an architect.—*John James Edwards*, Appleby-street, Pearson-street, Kingland-road, Middlesex, shopman to a tobacconist.—*Mary Roxburgh*, North-street, Mile-end-road, Middlesex, widow, out of business.—*Chas. Hubbard*, Gravesend, Kent, and Deverell-street, Dover-road, Surrey, builder.—*Solomon Bennett*, Wandsworth, Surrey, lighterman.—*Benj. Holloway*, Portland-terrace, St. John's-wood, Middlesex, baker.—*Julie Jeanne Hortense Compte*, Upper John-street, Golden-square, Middlesex, out of business.—*C. Michael Vaughan*, Charles-street, Middlesex-hospital, tailor.—*Thos. Taylor*, Union-st., Lambeth-walk, Lambeth, Surrey, tailor.—*Jos. Aken Chase*, Silver-street, Stepney, Middlesex, out of business.—*Richard Jas. Beckley*, Coppice-row, Clerkenwell, lamp manufacturer.

*Court-house, DOLGELLY, Merionethshire, Dec. 12 at 10.*

*Thos. Edwards*, Llangollen, Denbighshire, currier.—*Wm. Frazer*, Gwerclats, near Corwen, out of business.—*Rowland Prichard*, Baln, draper.—*David Griffith*, Tynyrradd, Llandwelltyd, near Dolgelly, timber merchant.

*Court-house, WELCH POOL, Montgomeryshire, Dec. 14 at 10.*  
*Edward Owens*, Bolbro, Llandyasil, farmer.—*R. Yeomans*, Montgomery, saddler.

### MEETINGS.

*John Watson*, Heworth, Durham, brewer's clerk, Dec. 13 at 12, Hoyle's, Newcastle-upon-Tyne, sp. aff.—*Jonathan Jackson*, Pudsey, Yorkshire, mason, Dec. 11 at 12, Sharp's, Pudsey, ch. as.

### FRIDAY, NOVEMBER 24.

#### BANKRUPTS.

*WILLIAM ROLFE*, Therfield, Hertfordshire, farmer and corn merchant, Dec. 1 at half-past 12, and Jan. 2 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Brown & Co., Mincing-lane.—Fiat dated Nov. 18.

*CHRISTOPHER LEAF*, Wood-street, Cheapside, London, warehouseman, Dec. 5 at 2, and Jan. 2 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jones, Size-lane.—Fiat dated Nov. 14.

*EDWARD LOCKE* and *ALEXANDER DICKSON MILLS*, Lawrance Pountney-hill, London, and Redditch, Worcestershire, needle manufacturers, Dec. 5 at half-past 2, and Jan. 5 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Fourdrinier, Lawrance Pountney-hill.—Fiat dated Nov. 22.

*GEORGE BUTCHER*, Holborn-hill, London, china and glass dealer, Dec. 1 at 1, and Jan. 9 at 2, Court of Bankruptcy, London: Off. Ass. Green; Sols. Weymouth & Green, Cateaton-street, London.—Fiat dated Nov. 21.

*JOHN SHARP*, Marsh-place, Old Kent-road, Surrey, linen draper, Dec. 2 and Jan. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Jones, 15, Sisle-lane, Bucklebury, London.—Fiat dated Nov. 16.

*CORNELIUS CHAPMAN*, Croydon, Surrey, stationer and bookseller, Dec. 5 at 12, and Jan. 10 at 2, Court of Bankruptcy, London: Off. Ass. Laxington; Sols. Elderton & Hoare, Lothbury, London.—Fiat dated Nov. 20.

*JAME ARCHIBALD HOLMES*, New Broad-street, London, merchant, Dec. 5 at half-past 11, and Jan. 12 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Purrier & Wright, 35, New Broad-street, London.—Fiat dated Nov. 22.

*THOMAS DIGBY*, Lower Clapton, Middlesex, dealer in corn, Dec. 12 at 11, and Jan. 12 at 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Sudlow, Sons, & Co., 20, Chancery-lane, London.—Fiat dated Nov. 22.

*JOHN BROWN, jun.*, Tydee, Bassalleg, Monmouthshire, iron-founder, Dec. 8 at half-past 1, and Jan. 5 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Hutton; Sol. Protheroe & Towgood, Newport; Hall, New Boswell-st., Lincoln's-inn-fields, London.—Fiat dated Nov. 13.

### MEETINGS.

*J. T. Nash* and *J. Tomlinson, jun.*, York, mustard manufacturers, Dec. 19 at 10, District Court of Bankruptcy, Leeds, pr. d.—*Ormond Johnson*, Maldon, and Great Braxted, Essex, corn dealer, Dec. 5 at 1, Court of Bankruptcy, London, last ex.—*Thos. Fisher*, Selby, Yorkshire, linen draper, Dec. 22 at 11, District Court of Bankruptcy, Leeds, last ex.—*W. Baring* and *Wm. Jeffcoat*, East Harding-street, London, bookbinders, Dec. 19 at 12, Court of Bankruptcy, London, aud. ac. and div.—*Geo. Walter*, Oundle, Northamptonshire, grocer, Dec. 19 at 1, Court of Bankruptcy, London, aud. ac. and div.—*J. F. Armstrong*, Tranquil-vale, Blackheath, Lewisham, and Staffordshire-wharf, Greenwich, Kent, china dealer, Dec. 19 at 11, Court of Bankruptcy, London, aud. ac. and div.—*John Woollorton*, Lynn, Norfolk, furnishing ironmonger, Dec. 19 at half-past 12, Court of Bankruptcy, London, aud. ac.—*W. Aslett*, Bittern, South Stoneham, Southampton, grocer, Dec. 15 at half-past 11, Court of Bankruptcy, London, aud. ac.; Dec. 19 at 2, div.—*Thomas Peters*, Cambridge, tailor, Dec. 15 at 11, Court of Bankruptcy, London, aud. ac.—*Tristram T. Squier*, Exeter, brush maker, Dec. 20 at 1, District Court of Bankruptcy, Exeter, aud. ac.; Dec. 21 at 1, fin. div.—*William Collings*, Devonport, baker, Dec. 20 at 12, District Court of Bankruptcy, Exeter, aud. ac.—*William Heap*, *John Roberts*, and *Wm. Roberts*, Padham, Lancashire, cotton spinners, Dec. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 20 at 12, div.—*John Smith Daintry* and *John Ryle*, Manchester, bankers, Dec. 19 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 20 at 12, div., sep. est. *J. Ryle*.—*Henry Sidebotham* and *T. Lewis*, Haughton, Lancashire, and Manchester, cotton manufacturers, Dec. 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 28 at 12, fin. div., sep. est. *T. Lewis*.—*John Wood*, Manchester, baker, Dec. 26 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Dec. 28 at 12, div.—*John Walker*, Barrellwell-house, Boughtin, Cheshire, silversmith, Dec. 19 at half-past 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Michael Cullen*, Liverpool, merchant, Dec. 19 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Thos. Wilson*, Liverpool, fancy shawl dealer, Dec. 19 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*Robt. Duncan Wilmot*, Liverpool, merchant, Dec. 19 at 1, District Court of Bankruptcy, Liverpool, aud. ac.—*George Dawson* and *John Walsley*, Liverpool, merchants, Dec. 19 at half-past 1, District Court of Bankruptcy, Liverpool, aud. ac.—*John Fell*, Liverpool, merchant, Dec. 19 at 12, District Court of Bankruptcy, Liverpool, aud. ac.—*Den. Wade Acreman*, *Wm. Edw. Acreman*, *Alfred John Acreman*, *Wm. Morgan*,



*Thos. Holroyd*, and *James Norraway Franklin*, Bristol, ship builders, Dec. 27 at 12, District Court of Bankruptcy, Bristol, aud. ac., sep. est. *W. Morgan*; Dec. 27 at 1, aud. ac., sep. est. *T. Holroyd*.—*Maria Louisa Jones*, Tredegar, Bedwelly, Monmouthshire, victualler, Dec. 20 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Dec. 22 at 11 div.—*W. Pugh*, Bristol, cabinet maker, Dec. 20 at 1, District Court of Bankruptcy, Bristol, aud. ac.—*John Jones*, Chepstow, Monmouthshire, wine merchant, Dec. 27 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*Samuel Eastwood*, Huddersfield, Yorkshire, woolstapler, Dec. 21 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 22 at 11, div.—*Chas. Pickslay*, Sheffield, merchant, Dec. 15 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Dec. 16 at 11, div.—*George Thos. Carrell*, Birmingham, china dealer, Dec. 18 at 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 20 at half-past 11, div.—*Maria Ann Hughes*, Birmingham, factor, Dec. 21 at half-past 12, District Court of Bankruptcy, Birmingham, aud. ac.; Dec. 22 at half-past 11, div.—*Rich. Mainwaring*, Coltham Furnaces, Willenhall, Staffordshire, coal master, Dec. 19 at 12, District Court of Bankruptcy, Birmingham, aud. ac.—*J. Berry*, Rugby, Warwickshire, grocer, Dec. 19 at 11, District Court of Bankruptcy, Birmingham, aud. ac.—*Geo. Sargent*, Battle, woollen draper, Dec. 18 at 12, Court of Bankruptcy, London, div.—*Edw. Binyon*, Bell's buildings, Salisbury-sq., Fleet-st., London, commission agent, Dec. 18 at 12, Court of Bankruptcy, London, div.—*H. Colman*, Norwich, draper, Dec. 15 at 11, Court of Bankruptcy, London, div.—*Edmund Hopper*, Moor-st., St. Anne, Soho, Middlesex, victualler, Dec. 15 at 11, Court of Bankruptcy, London, div.—*John Smith*, Deptford-bridge, Kent, hatter, Dec. 19 at 11, Court of Bankruptcy, London, div.—*Hen. Wm. Hobhouse*, *J. Phillott*, and *Chas. Louder*, Bath, Somersetshire, bankers, Dec. 15 at 11, District Court of Bankruptcy, Bristol, div.—*James Tregaskes*, Bristol, victualler, Dec. 20 at 2, District Court of Bankruptcy, Bristol, div.—*John Herring* and *Wm. Herring*, Newcastle-upon-Tyne, merchants, Dec. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Thomas Marsden*, jun., Northallerton, Yorkshire, mercer, Dec. 22 at 11, District Court of Bankruptcy, Leeds, div.—*Chas. And. Bradbury*, Stockport, Cheshire, draper, Dec. 21 at 12, District Court of Bankruptcy, Manchester, div.—*David Duncan*, Derby, engineer, Dec. 20 at 12, District Court of Bankruptcy, Birmingham, div.; Dec. 21 at 11, aud. ac.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Jas. Vincent*, Edmonton, Middlesex, schoolmaster, Dec. 19 at 2, Court of Bankruptcy, London.—*Edw. Reynolds*, Merton, Surrey, silk and woollen printer, Dec. 21 at half-past 12, Court of Bankruptcy, London.—*Geo. Threadgold*, Finsbury-circus, Middlesex, builder, Dec. 15 at half-past 12, Court of Bankruptcy, London.—*Ludd Fenner* and *Wm. Fenner*, Fenchurch-street, London, merchants, Dec. 18 at 1, Court of Bankruptcy, London.—*John F. Armstrong*, Tranquil-vale, Blackheath, and Staffordshire-wharf, Greenwich-road, Kent, china dealer, Dec. 19 at half-past 11, Court of Bankruptcy, London.—*Samuel Gould*, Liverpool, merchant, Dec. 15 at 11, District Court of Bankruptcy, Liverpool.—*Edward Thomas Hall* and *James Hall*, Leeds, Yorkshire, flax spinners, Dec. 16 at 11, District Court of Bankruptcy, Leeds.—*John Simpson*, Spalding, Lincolnshire, hatter, Dec. 20 at half-past 12, District Court of Bankruptcy, Birmingham.—*Benjamin Dorral*, Iron-bridge, Madeley, Shropshire, mercer, Dec. 20 at 12, District Court of Bankruptcy, Birmingham.—*Anth. Gordon*, *Wm. Cartwright*, and *Jas. Blackett*, Manchester, machine makers, Dec. 26 at 12, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 15.

*Chas. Savin*, Berners-st., Middlesex Hospital, Middlesex, artificial flower manufacturer.—*John Jeans*, Poole, postmaster.—*Edw. Thorneycroft*, jun., and *Geo. Thorneycroft*, jun.—*Edw. Davis*, Bath, Somersetshire, architect.—*John Rutter*, Stockton-upon-Tees, grocer.—*J. Clarke* and *Rich. Mitchell*, Leicester, bankers.

## SCOTCH SEQUESTRATIONS.

*Wm. Young*, Glasgow, smith.—*Jas. Lapsley*, Edingburgh,

perfumer.—*Das. Macquater*, dec., Crown-point, near Glasgow, bricklayer.

## PARTNERSHIP DISSOLVED.

*John Huish* and *Marcus Huish*, Derby, and Castle Donington, Leicestershire, attorneys at law and solicitors.

## DECLARATIONS OF INSOLVENCY.

*Joseph Gray*, Harborne, Staffordshire, victualler.  
*Peter Francis Faucher*, Cook's-ground, Chelsea, Middlesex, dancing master.  
*James Clark*, Texteth-park, Walton, Lancashire, pavior.  
*Thomas Barker*, Sheffield, Yorkshire, silver plater.  
*Thomas Tytherleigh*, Theobald's-road, Red Lion-square, Middlesex, butcher.  
*John Shaw*, Upper-bridge, Almondbury, Yorkshire, joiner.  
*Joseph Hilton*, Meare, Somersetshire, clerk.  
*John Vaughan*, Bodwardine, Worcester, whitesmith.  
*Walter Payne*, Bath, Somersetshire, dealer in tea.  
*Alfred John Phillips*, Hope-street, Spitalfields, Christchurch, Middlesex, cabinet maker.  
*Jas. Farrell*, Manchester, fringe manufacturer.  
*Fanny Cockman*, Taunton, Somersetshire, out of business.  
*Alfred Jeacocke*, Little Carter-lane, London, and Frederick-street, St. Pancras, Middlesex, milliner.  
*Robert Crowther*, Weston-street, Snows-fields, Southwark, Surrey, lodging-house keeper.  
*John Selkirk*, Spring-street, Bayswater, Paddington, Middlesex, glass cutter.  
*Hugh W. M. Ramson*, Manchester, out of business.  
*James Morley*, Sussex-street, Bedford-square, Middlesex, collector to a wine merchant.  
*Joseph Ogden*, Shouldham-street, Mary-le-bone, Middlesex, coach-smith.  
*Henry Grosvenor*, Tichborne-street, Piccadilly, Middlesex, tobacconist.  
*William Saunders*, Chatham, Kent, assistant in the Post Office at Chatham.  
*William Beards*, Bieston, Wolverhampton, Staffordshire, licensed victualler.  
*John Lowe Adcock*, Southampton-street, Fitzroy-square, Middlesex, carpenter.  
*Joseph Hodges*, King's Head-row, Old Brompton, Kensington, Middlesex, messenger at a club-house.  
*George Bennett*, Cutthorpe, Brampton, near Chesterfield, Derbyshire, beer-house keeper.  
*John Clay*, Deighton, Huddersfield, Yorkshire, woollen cord manufacturer.  
*Henry Payne*, Wapping-wall, Shadwell, Middlesex, block maker.  
*Samuel Coates*, Alpha-cottage, Mortimer-road, Kingaland, Hackney, builder.  
*John Kerrison*, Hyde, Cheshire, retail provision dealer.  
*Thos. Hird*, Tottenham-court-road, Middlesex, upholsterer.

INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, Dec. 18 at 9.

*Wm. Goldsmith*, sen., Watney-street, St. George's in the East, Middlesex, out of business.—*Jas. Hardman*, Oxford-st., Middlesex, glove manufacturer.—*Robt. Crooks*, Throgmorton-street, London, and Cottage-grove, West-st., Walworth, Surrey, tailor.—*Wm. Cranage*, Cranford, Middlesex, beer-shop keeper.—*Jos. Hen. Garnier*, Quickset-row, New-road, Mary-le-bone, Middlesex, literary and political writer.—*Abraham Batson*, Hatton-garden, Middlesex, surveyor.—*Fred. William Miles*, Peel-st., Kensington Gravel-pits, Middlesex, plumber.—*Wm. Wharum*, sen., Tavern-terrace, Quag-lane, near the East India Docks, Bromley, Middlesex, occasional labourer in the East India Docks.—*Wm. J. Worthington*, Munster-st., Regent's-park, Middlesex, out of business.—*William Wall*, Exeter-st., Strand, Middlesex, fruit salesman.—*Joseph Cuthbert*, South-street, Manchester-square, Middlesex, commission-agent.—*Ed. P. Spencer*, Pudding-lane, Lower Thames-street, London, and Tooley-street, Borough, Southwark, Surrey, wholesale dealer in foreign and other nuts.

## Adjourned.

*Charles Louis de Bourbon*, Minerva-house, New-cross, Deptford, Surrey, modelist.

## UNIVERSITY COLLEGE, LONDON.

**THE PROFESSORSHIP of JURISPRUDENCE** at this College being now Vacant, Candidates are requested to send in their Applications and Testimonials before Tuesday, 19th December, next.

CHARLES C. ATKINSON,  
Secretary to the Council.

Nov. 21, 1843.

Whitehall, Nov. 20, 1843.

**THE LORD CHANCELLOR** has appointed JOHN SUFFERN the younger, of Belfast, Ireland, Gentleman, to be a Master Extraordinary in the High Court of Chancery in that part of the United Kingdom of Great Britain and Ireland called Ireland.

**LAW.—TO SOLICITORS, VESTRY CLERKS' &c.**—The Advertiser, now serving his Articles in a respectable Agency Office, is, from change of circumstances, desirous of obtaining a remunerative Engagement, and at the same time completing his Articles, of which upwards of two years have expired. He has a good knowledge of Common Law, and is well conversant with the Law of Settlement and Removal, and general Parochial Business; and would only need general superintendence from a principal, without requiring his active assistance. The Advertiser can be strongly recommended for ability, industry, integrity, good address, and business-like habits. Age, twenty-one. Address, (paid), J. J., Mr. Mills, Law Stationer, Carey-street, Lincoln's Inn.

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# The Jurist

No. 360.

LONDON, DECEMBER 2, 1843.

PRICE 1s.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

House of Lords .....	{ E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.	Court of Queen's Bench	{ G. J. P. SMITH, Esq. of the Inner Temple; and J. PULLEINE, Esq. of the Middle Temple, Barristers at Law.
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Vice-Chancellor Knight Bruce's Court.....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.	Court of Review .....	{ W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.
Vice-Chancellor Wigram's Court .....	{ F. FISHER, Esq. of Lincoln's Inn, Barrister at Law.		

LONDON, DECEMBER 2, 1843.

A CASE recently argued at the Rolls gives indirectly occasion for inquiry into the general question, what is the condition, as to suing and being sued in our courts, of the Sovereign of a foreign country? The case we allude to involves many special points on which we do not intend, of course, to offer any observations; and we shall confine ourselves to the question, whether a foreign Sovereign can, in no case, be subject to the civil jurisdiction of this country.

It is quite clear now (although the point was formerly disputed) that a foreign Sovereign may sue in a Court of Equity; (*Hullitt v. King of Spain*, 2 Bligh, N.S., 38; *Colombian Government v. Rothschild*, 1 Sim. 94); and from the cases referred to by the Lord Chancellor in the former case, and his observations, (2 Black. pp. 53—56), it appears that he may also sue at law. These cases apply only to the question of a foreign Sovereign being plaintiff. In *The Colombian Government v. Rothschild*, the court gave no reason for its opinion on the question of the right to sue, and, in fact, the case was decided on another point. In *Hullitt v. King of Spain*, the reasons given by the Lord Chancellor and Lord Redesdale do not shew at all positively what were the opinions of those learned persons on the question, whether a Sovereign may be sued; but so far as any inference can be collected from them on that point, it seems against the jurisdiction. "That a King," says the Lord Chancellor, (p. 47), "is entitled to sue as a King, cannot be disputed. As a suitor, he submits himself to the jurisdiction of the court, otherwise it might be an objection that you could not control him. But if he comes here as a suitor, he submits himself to the jurisdiction. Has not the sovereign power of another country the common privilege of mankind? Do you say that, by the law of nations, he is deprived of that privi-

lege by being King of Spain?" And, again, (p. 54), "Suppose the King of Spain were to send jewels to be set to Messrs. Rundell & Bridge, and the jewellers were not to deliver them up to the King, do you mean to say that the courts of this country could not interfere? that the King of Spain could not recover the jewels? Do you think there would be no redress in a case of that kind?" And per Lord Redesdale, (p. 60), "I conceive that there can be no doubt that a Sovereign may sue. If he cannot, there is a right without a remedy; for it is only by suit in this court that the respondent can obtain this money. He sues as every Sovereign must sue, generally speaking, either on his own behalf or on behalf of his subjects."

It is plain, from the language above cited of these learned persons, that the right asserted by the foreign Sovereign was considered by them as a right, notwithstanding his sovereignty, to do a certain act as a private person; and that they thought that the person clothed with the character of a foreign Sovereign could not thereby be deprived of the rights he would have had as a private person; and on this ground—that, if he were so deprived, he would be placed in the miserable condition of having no remedy for a just right. One part, at least, of this reasoning would apply with equal force for holding, as a general proposition, that a foreign Sovereign may be sued; because, to hold him incapable of being sued, would be to place him in a still more miserable position, legally speaking, than he would be in by the incapacity to sue; for a person wholly incapable of being sued, as he cannot of course be trusted, might be in danger of wanting even the necessaries of life. With regard to the distinction between a Sovereign suing and being sued—that in the first case he submits himself to the jurisdiction, and in the second he does not—as that distinction is only taken by way of dictum, and is not, we believe, laid down by any dis-

inct decision, it may be permitted to us to observe, that it seems rather technical than rational; for an independent Sovereign, quâ Sovereign, cannot, we apprehend, submit himself to a foreign jurisdiction. It is of the very essence of his quality of Sovereign, that he embodies and represents the independent sovereignty of the state that he governs; and when he submits to a foreign jurisdiction, he ceases, pro tanto, to be a Sovereign, and acts in his character of a private person; he does not sue as a Sovereign, but being for some purposes a private person, he exercises, notwithstanding his sovereignty, one of his rights as such, viz. his right to sue. The expressions of the learned judges in *Hullitt v. King of Spain*, seem to recognise this two-fold existence of a Sovereign, as a Sovereign and as a private person; and it may be asked, if he has an existence as a private person for the purpose of suing and obtaining justice, upon what principle is it to be contended, that, when the question is to enforce a right against him, his separate existence as a private person is merged in his existence as a Sovereign? If we consider the question with reference to the law of nations, there is considerable difficulty in reconciling the idea of a Sovereign being incapable of being sued with the fundamental axioms of the law of nations; for by that law, every sovereign state is independent of and equal to every other, and has a right to govern itself as it thinks fit; qualities and rights which seem singularly at variance with the idea that a foreign Prince, so acting in reference to any of its subjects that if he were a private person he would by its laws incur liabilities, is to be held in no degree under the jurisdiction of those laws.

Nevertheless, it is not to be denied, that the writers on the law of nations appear, in treating of the rights of ambassadors, to assume that a foreign Sovereign is not in any way subject to the jurisdiction of the ordinary laws; for they put the now almost universally admitted immunity of ambassadors, both from criminal and civil actions, not merely on the ground of convenience—that they may not be harassed and withdrawn from due attention to their high public functions by private litigation—but on the ground, that, as representatives of their Sovereign, they are intrinsically de hors the jurisdiction. (See Vattel).

And Vattel puts the very case (Book 4, c. 7, s. 108) of a Sovereign Prince being within the territory of another Sovereign, and asks what are his rights, and how he ought to be treated. "If," he says, "such a Prince has come to negotiate, to treat respecting any affairs of state, he ought, without doubt, to enjoy, and even in a higher degree, all the rights of ambassadors. If he has come as a mere visitor, his rank, and the respect due to the nation that he represents and governs, protects him against all insult, and entitles him to all respect and attention, and exempts him from all jurisdiction. *He cannot be treated as subject to the ordinary laws when he has made his rank known, because he is not to be presumed to have consented to submit himself to them*; and if it is not desired to tolerate his presence on that footing, he should be apprised thereof." The same learned writer, however, refers, in other parts of his work, to cases, showing, that, for some purposes, a foreign Sovereign is subject to, or at least affected by, the jurisdiction of the foreign country in which he may happen to be. For

instance, in speaking of the equality of sovereign states, and the consequence, that, in strictness, there cannot be, as between independent Sovereigns, any precedence, he refers to the attempts of the German Emperors to assert their right of precedence and superiority in the following passage:—"Some would have the precedence of the Emperor considered as something more than a mere right to the first place among his equals, and attribute to him a superiority over all Kings; in a word, would treat him as the temporal Chief of Christendom. And it seems, indeed, that several of the Emperors have set up some such pretension, as if, in reviving the name of the Roman empire, its rights could have been revived. Other states have been on their guard against admitting even such pretensions. We may see, in *Maugeray*, the precautions taken by the King, Charles V., when the Emperor Charles IV. came to France, for fear, says the historian, *that this Prince, and his son, the King of Rome, should attempt to found on his courtesy any claim of superiority*; and Bodin relates, *that it was taken very ill in France, that the Emperor Sigismund should have held a sitting in a royal palace, and should have created the Seneschal of Beaucaire a Knight*; adding, that, in order to repair the fault that had been committed in suffering this to be done, the same Emperor, being at Lyons, was not suffered to make the Count of Savoy a Duke. And at this day," continues Vattel, "a King of France would think, without doubt, that he committed himself, if he permitted it to be supposed that he entertained any—the slightest—idea that another Sovereign might exercise any sovereign authority in his kingdom." (Vattel, book 2, c. 3, s. 39). Now, if a Sovereign, being in a foreign country, cannot there exercise his right as a Sovereign to confer dignities, that must be, simply, because, in doing so, he would be in conflict with the law of that country, which gives to its own Sovereign the exclusive right of conferring dignities; and it follows, that, contrary to Vattel's former proposition, a foreign Sovereign is presumed, in some cases, to submit himself to the jurisdiction of the laws of the country that he visits. The question is, like all questions depending for their solution on a code so little positive as the law of nations, one full of doubt and perplexity. It is to be hoped, therefore, that the frame of the case before Lord Langdale will be found to be such as to draw from his Lordship a decision on the general question of jurisdiction to sue a foreign Sovereign.

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**MASTER IN CHANCERY.**—The Lord Chancellor has been pleased to appoint John Saffern, jun., of Belfast, Ireland, Gent., to be a Master Extraordinary in the High Court of Chancery.

**LEGAL APPOINTMENT.**—H. S. Chapman, Esq., of the Inner Temple, has been appointed to the Chief Judgeship of Wellington, New Zealand. He has sailed in company with the new Governor, Capt. Fitzroy, late member for Durham.

**GENTLEMEN CALLED TO THE BAR.**—LINCOLN'S INN, Nov. 24.—The following Gentlemen were called to the degree of Barrister at Law by the Honorable Society of Lincoln's Inn, viz. Michael Linning Melville, William Courtney Morland, Featherstone Stonestreet, Henry Rogers, jun., John Rogers, Borlase Hill Adams, John Fish Pownall, and John Busher Duncan, Esqrs.

### Reviews.

*Historical Law Tracts.* By JOHN THURPP. Pp. 258.  
[Richards, 1843.]

This is a book that we would recommend to the personal of the student, or of the young lawyer, who desires to add to his purely professional knowledge some portion of that general knowledge of laws and of their relation to the kinds and stages of civilization of different nations, which enables a man to trace the principles and formation of laws—in a word, the philosophy of legislation. The plan of the author is to bring together and compare, under various heads, the laws of the various nations, civilized and uncivilized, or, rather, more or less barbarous, both of antiquity and of modern times, and by comparing the state of the laws with the state of civilization to which they belonged, to collect the principles on which laws form themselves. We say the principles on which laws form themselves, in opposition to the too prevalent notion, that, in legislation, the arbitrary will of a monarch of a powerful legislature can mould the mind of a people according to its will, by the laws which it may think fit to impose. Whereas the history of laws shews, on the contrary, that the laws of a nation are but the emanation of the general mind—the written or unwritten expressions of the habits of thinking and feeling and acting, of the majority. Of course we do not mean to say, that there is no reaction of the laws on the mind of a people, for to deny this, would be to deny the power of superior minds of impressing themselves upon inferior; but we mean that, speaking generally, laws form themselves by the aggregation of what, if we may venture to coin an expression, we would term mental deposits, according to a law of formation as certain, if not yet so well ascertained, as that of chemical formation; that certain states of the human mind have an affinity for certain civil regulations, which, operating somewhat like chemical affinities, will permit it to enter into rapid combination with those to the exclusion of all others; and that, by a careful study of the history of laws, we should arrive at this—that, being given the state of any society with regard to its physical and moral civilization, we should know what will be the principle of its laws; and, vice versa, being given its laws, we should know, with almost minute exactitude, its state and kind and extent of civilization: or, as Mr. Thrupp well expresses the theory of law formation, “The history of judicial procedure in criminal matters is a curious instance of the complicated yet regular manner in which laws grow to maturity among free nations—of the manner in which the experience of inconvenience gradually expands them, giving them indeed richness and variety, but depriving them of that symmetry and simplicity which often distinguish the more theoretic legislation of a despotic country. No authority, however despotic, can give a nation entirely new laws; for laws that are inoperative do not deserve their name, and nations can, no more than individuals, adopt new customs at a moment’s notice. Yet the Koran, the Frederician and Napoleon codes are evidences that one superior mind may give its own form

‘and pressure to all the inferior spirits within its influence: not that even these are exceptions to the gradual progression of national jurisprudence; but in these instances, great genius, like the overpowering heat of a meridian sun, ripened in an hour fruit that would otherwise have required years to bring it to perfection.’

The self-formation of laws, and the similarity of laws flowing out of similar states of civilization, is well exemplified by the laws partaking of the character of ordeal in countries totally unconnected, and, evidently, not having borrowed their laws from each other. Thus, for instance, a mode of trial in the nature of ordeal, has prevailed in the laws of the Hindus and of the Northern European nations—in both under the management of the priesthood—in both the offspring and evidence of a disposition to lying and to superstition. “Among the Hindus,” observes our author, (p. 178), “and the tribes of Northern Europe, the accuser had a right to put the accused to his oath of innocence, and, in many cases, this discharged him from further accusation. To the great recklessness of the people in taking this oath may be generally traced the origin of ordeals, which were at first regarded merely as an oath with confirmation.” And citing Paulini with regard to the Indians, he says, that, according to that author, the origin of the custom in India was, “la facilité que le peuple de l’Orient ont à mentir,” and adds, that the King of the Burgundians gave a similar reason for trusting no longer to simple purgation. So far the similarity between the two nations engendered a similar legislation; but, in the modification of this custom, we find the same principle developing itself, viz. the self-formation of the law according to the characteristic of the people. Thus, among the Europeans of the North, the boldness and warlike character of the popular temperament, combining with the still vigorous remains of superstition, soon generated the judicial ordeal, or trial by battle, while, among the Hindus, the opposite tendencies prevented the ordeal from ever receiving such a modification.

“The principal kinds of ordeal,” (says Mr. Thrupp, p. 180), “were the trials by fire, water, the cross, and battle. The two first are common to the European nations and the Hindus; the third had its origin in a superstition engendered by reverential usages; and the last, in every way the most honorable,” (we presume Mr. Thrupp means the most honoured), “was a peculiarity of the feudal nations, and rapidly superseded every other description of the *judicium Dei*. . . . In India, this system has yielded to extraneous influence; but, in Europe, it fell before a gradual amelioration of the judicial system, and the struggle of a high-spirited nation against ecclesiastical tyranny.”

With these observations and extracts, our limited space compels us to close our notice of a work, which we have no hesitation in pronouncing to be of great merit.

COURT OF CHANCERY.—The following is a return of the causes, &c. disposed of in the Court of Chancery between the 2nd November, 1842, and the 2nd November, 1843:—

Before the Lord Chancellor . . . . .	111
Before the Master of the Rolls . . . . .	1803
Before the Vice-Chancellor of England . . . . .	2979
Before Vice-Chancellor Knight Bruce . . . . .	882
Before Vice-Chancellor Wigram . . . . .	1098

Total . 6873

MEMBER RETURNED TO SERVE IN PARLIAMENT.—John Henry Campbell, Esq., for the city of New South, in the room of Wadham Wyndham, Esq.



**Court Papers.****EQUITY SITTINGS AFTER MICH. TERM, 1843.****Court of Chancery.***Before the LORD CHANCELLOR, at Lincoln's Inn.*

Tuesday ....	Dec. 5	First Seal.—Appeal Motions.
Wednesday ....	6	} Appeals.
Thursday .....	7	
Friday .....	8	Second Seal.—Appeal Motions.
Saturday .....	9	} Appeals.
Monday .....	11	
Tuesday .....	12	} Appeals.
Wednesday ....	13	
Thursday .....	14	Third Seal.—Appeal Motions.
Friday .....	15	} Appeals.
Saturday .....	16	
Monday .....	18	Fourth Seal.—Appeal Motions.
Tuesday .....	19	Petitions.

The court will not sit after Friday the 22nd December.

**Rolls Court.***Before the Right Hon. the MASTER OF THE ROLLS, at the Rolls.*

Tuesday ....	Dec. 5	Motions.
Wednesday ....	6	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Thursday .....	7	
Friday .....	8	Motions.
Saturday .....	9	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	11	
Tuesday .....	12	} Motions.
Wednesday ....	13	
Thursday .....	14	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Friday .....	15	
Saturday .....	16	} Motions.
Monday .....	18	
Tuesday .....	19	Petitions in General Paper.

Consent Causes, Consent Petitions, and Short Causes, on Wednesday the 6th, Tuesday the 12th, and Wednesday the 20th December, at the Sitting of the Court.

**Vice-Chancellors' Courts.***Before the VICE-CHANCELLOR OF ENGLAND, at Lincoln's Inn.*

Tuesday ....	Dec. 5	First Seal.—Motions.
Wednesday ....	6	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	7	
Friday .....	8	Second Seal.—Motions.
Saturday .....	9	} Unopposed Petitions, Short Causes, and Causes.
Monday .....	11	
Tuesday .....	12	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ....	13	
Thursday .....	14	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	15	
Saturday .....	16	} Unopposed Petitions, Short Causes, and Ditto.
Monday .....	18	
Tuesday .....	19	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	18	
Tuesday .....	19	Fourth Seal.—Motions.
Tuesday .....	19	Petitions.

The court will not sit after Friday the 22nd December.

Notice.—Friday, Dec. 22 } Unopposed Petitions and Short Causes at head of paper.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Lincoln's Inn.*

Tuesday ....	Dec. 5	First Seal.—Motions and Causes.
Wednesday ....	6	Bankrupt Petitions and Causes.
Thursday .....	7	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	8	
Friday .....	8	Second Seal.—Motions and Causes.

Saturday .....	9	} Unopposed Petitions, Short Causes, and Causes.
Monday .....	11	
Tuesday .....	12	} Bankrupt Petitions and Causes.
Wednesday .....	13	
Thursday .....	14	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Friday .....	15	
Saturday .....	16	} Third Seal.—Motions and Bankrupt Petitions.
Monday .....	18	
Tuesday .....	19	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	20	
Thursday .....	21	} Unopposed Petitions, Short Causes, and Ditto.
Friday .....	22	
Saturday .....	23	} Fourth Seal.—Motions and Bankrupt Petitions.
Monday .....	24	
Tuesday .....	25	} Petitions and Causes.
Wednesday .....	26	

The court will not sit after Friday the 22nd December.

Wednesday.. Dec. 20 Bankrupt Petitions.

*Before VICE-CHANCELLOR WIGRAM, at Lincoln's Inn.*

Tuesday ....	Dec. 5	First Seal.—Motions and Causes.
Wednesday ....	6	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Thursday .....	7	
Friday .....	8	Second Seal.—Motions and Causes.
Saturday .....	9	} Unopposed Petitions, Short Causes, and Causes.
Monday .....	11	
Tuesday .....	12	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday ....	13	
Thursday .....	14	} Third Seal.—Motions and Causes.
Friday .....	15	
Saturday .....	16	} Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	18	
Tuesday .....	19	} Unopposed Petitions, Short Causes, and Ditto.
Wednesday ....	20	
Thursday .....	21	} Fourth Seal.—Motions and Causes.
Friday .....	22	
Saturday .....	23	} Petitions and Causes.
Monday .....	24	

The court will not sit after Friday the 22nd December.

**THE WINTER CIRCUITS.**

The necessity for a Winter Circuit for the delivery of the gaols throughout England, having been admitted, the Judges have made the following arrangements. These assizes will be held for the trial of prisoners only; the trial of causes at Nisi Prius will be disposed of at the customary Spring and Summer Assizes:—

**OXFORD.***Before the Hon. Baron ROLFE.*

Oxfordshire . .	Saturday . Dec. 9 .	Oxford.
Gloucestershire .	Wednesday " 13 .	Gloucester.
Worcestershire .	Monday . . " 18 .	Worcester.
Shropshire . .	Thursday . . " 21 .	Shrewsbury.
Staffordshire . .	Tuesday . . " 26 .	Stafford.

**WESTERN.***Before Sir F. COLERIDGE, Knight, and the Hon. Sir C. CRESSWELL, Knight.*

Southampton . .	Wednesday, Dec. 11 .	Warwick.
Devon . . . .	Wednesday " 27 .	Exeter.

**MIDLAND.***Before the Right Hon. Sir J. PARKE, Knight, one of the Barons of her Majesty's Exchequer.*

Warwickshire . .	Monday . Dec. 20 .	Winchester.
Leicestershire . .	Thursday . . " 14 .	Leicester.
Nottinghamshire .	Monday . . " 18 .	Nottingham.
Derbyshire . .	Wednesday " 20 .	Derby.

**HOME.**

Essex . . . .	Saturday . Dec. 9 .	Chelmsford.
Kent . . . .	Wednesday " 13 .	Maidstone.
Sussex . . . .	Saturday . " 16 .	Lewes.

## London Gazette.

TUESDAY, NOVEMBER 28.

## BANKRUPTS.

CHARLES PARSLOW, Blackman-street, Southwark, Surrey, tailor, Dec. 9 at half-past 11, and Jan. 11 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Braham, Chancery-lane.—Fiat dated Nov. 24.

WILLIAM PEARSON, Chelmsford, Essex, draper, Dec. 6 and Jan. 12 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sol. Cattlin, Ely-place.—Fiat dated Nov. 21.

WILLIAM DUNNAGE and ISAAC DUNNAGE, Tooley-street, Surrey, plumbers, painters, and glaziers, Dec. 6 and Jan. 12 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Butler, Tooley-street.—Fiat dated Nov. 22.

GEORGE BARNES, Portsea, Hampshire, innkeeper, Dec. 12 and Jan. 13 at half-past 12, Court of Bankruptcy, London: Off. Ass. Groom; Sols. B. & J. Lawrence, 25, Old Fish-street, Doctors'-commons.—Fiat dated Nov. 21.

ROBERT GOODWIN, Eton, Buckinghamshire, ironmonger, Dec. 12 at half-past 2, and Jan. 13 at half-past 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Baylis, 1, Devonshire-square, Bishopsgate.—Fiat dated Nov. 24.

JOHN BATES, Colt-street, Limehouse, Middlesex, grocer and cheesemonger, Dec. 1 at 3, and Jan. 17 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Hindmarsh & Son, Crescent, Jewin-street, Cripplegate.—Fiat dated Nov. 21.

CHRISTOPHER ROBINSON, Great Trinity-lane, London, oil and colour merchant, Dec. 12 and Jan. 9 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Lawrence & Plews, Bucklersbury.—Fiat dated Nov. 24.

JOSEPH DEAKINS, Elmley Castle, Worcestershire, horse dealer and farmer, Dec. 12 and Jan. 12 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Osaker & Co., Pershore; Nicholls, Birmingham.—Fiat dated Nov. 22.

THOMAS WILLIAM JONES, Wellington, Shropshire, draper and mercer, Dec. 13 at half-past 12, and Jan. 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Robinson, Wellington, or Slaney, Birmingham.—Fiat dated Nov. 25.

ISAAC PARSONAGE, Birmingham, Warwickshire, paperhanger, Dec. 13 at 12, and Jan. 6 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Ludlow, Birmingham; Dimmock & Burbey, Size-lane, London.—Fiat dated Nov. 21.

WILLIAM MIERS, Leeds, Yorkshire, oil, colour, and varnish merchant, Dec. 21 and Jan. 6 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Hope; Sols. Middleton, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Nov. 25.

## MEETINGS.

*Benj. Lawrence*, Crown-court, Old Broad-street, London, merchant, Dec. 15 at half-past 12, Court of Bankruptcy, London, pr. d.—*Joze Luis Fernandes*, *Novell Luis Fernandes*, and *Joze Luis Fernandes*, jun., Wakefield, Yorkshire, corn millers, Dec. 23 at 11, District Court of Bankruptcy, Leeds.—*Thos. Cooke*, Leicester, glove manufacturer, Dec. 12 at half-past 11, District Court of Bankruptcy, Birmingham, last ex.—*Jas. Wilkinson* and *Geo. Wilkinson*, Leadenhall-st., London, indigo brokers, Dec. 21 at 11, Court of Bankruptcy, London, and ac.—*George Salter*, Davies-street, Middlesex, builder, Dec. 21 at 12, Court of Bankruptcy, London, and ac.—*Alex. Laing*, Halifax, Yorkshire, draper, Dec. 21 at half-past 11, Court of Bankruptcy, London, and ac.—*William Smith*, Leeds, Yorkshire, iron founder, Dec. 21 at 11, District Court of Bankruptcy, Leeds, and ac.; Dec. 22 at 11 div.—*Geo. Taylor*, Moreton-in-the-Marsh, Gloucestershire, draper, Dec. 20 at 11, District Court of Bankruptcy, Bristol, and ac.; Dec. 21 at 11, div.—*Thos. Joyce*, Bristol, woollen draper, Dec. 18 at 12, District Court of Bankruptcy, Bristol, and ac.; Dec. 20 at 1, div.—*Dan. Antrobus*, Great Budworth, Cheshire, salt merchant, Dec. 20 at 1, District Court of Bankruptcy, Liverpool, and ac.—*John Swann* and *James Kelly*, Fleetwood-on-Wyre, Thornton, Lancashire, bricklayers, Dec. 20 at 1, District Court of Bankruptcy, Liverpool, and ac.;

Dec. 21 at 11, div.—*John Oram*, Chard, Somersetshire, lace manufacturer, Dec. 20 at half-past 1, District Court of Bankruptcy, Exeter, and ac.; Dec. 21 at half-past 1, div.—*David Duncan*, Derby, engineer, Dec. 20 at 11, District Court of Bankruptcy, Birmingham, and ac.; Dec. 21 at 12, div.—*J. Whitehouse Showell*, Birmingham, bookseller, Dec. 20 at 1, District Court of Bankruptcy, Birmingham, and ac.; Dec. 22 at 1, div.—*Henry New*, Spring Brook-forge, Blakedown, Kidderminster, Worcestershire, iron manufacturer, Dec. 22 at 12, District Court of Bankruptcy, Birmingham, and ac.—*W. Cooper*, Kidderminster, Worcestershire, carpet manufacturer, Dec. 20 at half-past 12, District Court of Bankruptcy, Birmingham, and ac.—*Thomas Keadley* and *Joseph Leonard Keadley*, Long-lane and Wyld's-rents, Bermondsey, Surrey, tanners, Dec. 19 at 1, Court of Bankruptcy, London, fin. div.—*Arthur Cuthbert Marsh*, Great Scotland-yard, navy agent, Dec. 19 at 12, Court of Bankruptcy, London, fin. div.

## CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

*Geo. F. Widnall*, Edgware-road, Middlesex, stationer, Dec. 19 at half-past 12, Court of Bankruptcy, London.—*R. White*, Ilford, Essex, draper, Dec. 21 at 1, Court of Bankruptcy, London.—*Jas. Sell*, Union-street, Southwark, Surrey, baker, Dec. 19 at 1, Court of Bankruptcy, London.—*Wm. Bates*, Welbeck-street, Cavendish-square, Middlesex, auctioneer, Dec. 21 at half-past 1, Court of Bankruptcy, London.—*Charles Bourjol* and *William Epiwant De la Vellesboisnet*, Coleman-street-buildings, London, merchants, Dec. 20 at 12, Court of Bankruptcy, London.—*Rob. Wm. Lewis*, Shenfield, Essex, farmer, Dec. 19 at 12, Court of Bankruptcy, London.—*Edmund Goldsbury*, Hastings, Sussex, draper, Dec. 19 at 2, Court of Bankruptcy, London.—*Morgan David Morgan*, Reafoot Iron-works, Llangottock, Brecknockshire, grocer, Dec. 20 at 11, District Court of Bankruptcy, Bristol.—*G. Taylor*, Moreton-in-the-Marsh, Gloucestershire, and ac., Dec. 21 at 11, District Court of Bankruptcy, Bristol.—*James Corbett Lister*, Wolverhampton, Staffordshire, wine merchant, Dec. 20 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 19.

*Wm. Broomhead*, Birmingham, merchant.—*Alex. Reid*, Waterloo-place, Middlesex, and Brymbo, Denbighshire, iron manufacturer.—*W. Snowball Walker*, Hull, Yorkshire, grocer.—*Wm. Royston*, Manchester, yarn dealer.—*Jas. Wright*, Horsforth Woodside, Yorkshire, corn miller.—*Wm. Ridge*, Chichester, Sussex, banker.

## SCOTCH SEQUESTRATIONS.

*John Boath*, jun., Forfar, manufacturer.—*James Morrison*, Edinburgh, painter.—*James Gibson*, Glasgow, writer, and Milliken, near Johnstone, Renfrewshire, coal merchant.—*Jas. M'Donald*, Parkholm, Printfield, near Glasgow, calico printer.—*Jas. Stewart*, Edinburgh, coach hirer.

## DECLARATIONS OF INSOLVENCY.

*Thos. Scotcher*, Seymour-st., St. Pancras, Middlesex, piano-forte maker.

*Benjamin Turner*, Huddersfield, Yorkshire, joiner.

*John Butt*, Whaddon, Gloucestershire, farmer.

*Joseph B. Shillcock*, Bromley, Kent, chemist.

*Thos. Crewdson*, Walton, Lancashire, commission merchant.

*Giles Clutterbuck*, Old Compton-st., Soho, locksmith.

*Samuel Edward Ise*, Fulham, Middlesex, cowkeeper.

*Edmund Eary*, Northumberland-street, St. Mary-le-bone, Middlesex, house agent.

*Isaac Worley*, Chester-terrace, Borough-road, Surrey, tailor.

*William Viney*, Fulham, Middlesex, policeman.

*Maurice Leggett*, Portsea, Southampton, butcher.

*William Chas. Cole*, Hoxton Old-town, Shoreditch, Middlesex, tripe dealer.

*Fred. Tabb*, Harcourt-street, St. Mary-le-bone, Middlesex, tailor.

*James H. Greenhalgh*, Edward-street, Hampstead-road, St. Pancras, Middlesex, medical pupil.

*Henry Heard*, East Stonehouse, Devonshire, gunsmith.

*Thomas Badger*, Sheffield, Yorkshire, woollen draper.

*John Potts*, Macclesfield, Cheshire, licensed victualler.

*Joshua Phillips*, Batley, Yorkshire, wheelwright.

*John Roberts*, Liversedge, Birstal, Yorkshire, shoemaker.



*Thos. Woodward*, Broomhill, Wombwell, Darfield, Yorkshire, out of business.

*Joseph Holdroyd*, Liversedge, Birstal, Yorkshire, joiner.

*Catharine Parkinson*, Gloucester-place, Portman-square, St. Mary-le-bone, Middlesex, teacher of music.

*Richard Morgan*, Northampton-sq., Clerkenwell, Middlesex, selling flannel on commission.

*John Howell*, Newport, Monmouthshire, licensed victualler.

*John Southorn*, Præd-st., Paddington, Middlesex, builder.

*George A. Gibbons*, Denspy-street, Commercial-road East, Mile-end Old-town, Middlesex, master mariner.

*Samuel Lightfoot Upton*, Manchester, coffee-house keeper.

*Frederic Finimore*, Great College-street, Camden-town, St. Pancras, Middlesex, coach joiner.

*Horatio Clagett*, Harley-house, New-road, Mary-le-bone, Middlesex, in no trade.

*James Seymour*, Nearth, Glamorganshire, painter.

*John Hucklepp*, Lewes, Sussex, porter at the House of Correction.

*Thomas Bothams*, Nottingham, book-keeper.

*James Saunders*, Manchester, painter.

### INSOLVENT DEBTORS.

*Saturday, Nov. 25.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*George Wm. Cherd*, Winchester, Hampshire, doctor of music, No. 42,084 C.; *Chas. R. Thomas*, new assignee, Wm. Budd, late assignee, deceased.—*Geo. Morgan*, Marlborough-street, Regent-street, Middlesex, cheesemonger, No. 55,664 T.; *Henry Rawley*, assignee.—*George Robinson*, Darlington, Durham, cabinet maker, No. 64,079 C.; *Christopher Oxendale*, assignee.—*Thomas Glover*, Workington, Cumberland, innkeeper, No. 62,716 C.; *Henry Ritson*, assignee.—*Joseph Mason*, jun., Durham, grocer, No. 63,965 C.; *John Dumas*, assignee.—*Thomas Harvey*, Fairford, Gloucestershire, stonemason, No. 64,059 C.; *John Chamberlen*, assignee.—*Anna Norton*, Congresbury, Somersetshire, widow, farmer, No. 64,128 C.; *Thomas John Manchoe*, assignee.—*T. Houlden*, Earles Colne, Essex, horse dealer, No. 63,735 C.; *John Mayhew*, assignee.—*Thomas Burdett Beaumont*, Keighley, Yorkshire, wine merchant, No. 63,937 C.; *R. H. Rhodes*, assignee.—*George Hickman*, Rawstorne-street, Clerkenwell, Middlesex, jeweller, No. 52,376 T.; *Z. A. Jessel*, assignee.—*Stephen Rayson*, Carlisle, Cumberland, general shopkeeper, No. 63,758 C.; *Robert Armstrong* and *John Irving*, assignees.—*Abraham Young Dean*, Carlisle, Cumberland, grocer, No. 64,172 C.; *John Wallace* and *James Sibson*, assignees.—*Jos. Reeve*, Bristol, butcher, No. 64,043 C.; *John Purdy*, jun., assignee.—*Frank Thos. Gardner*, Stedham, near Midhurst, Sussex, miller, No. 63,489 C.; *John Lucas*, assignee.—*Edw. H. Parkinson*, Norton, near Malton, Yorkshire, out of business, No. 63,605 C.; *Henry Pickering* and *James Thompson*, assignees.—*Samuel Beard*, sen., Ramsey, Huntingdonshire, carrier, No. 63,730 C.; *Edmund Climensohn*, assignee.—*Geo. Alfred Peacock*, Brentry, Gloucestershire, fishmonger, No. 64,133 C.; *John Roche*, assignee.—*Nicholas Ridley*, Red Mire, near Bellingham, Northumberland, farmer, No. 64,142 C.; *Edward Welford*, assignee.—*William Turner*, Myddleton-street, Clerkenwell, goldsmith, No. 52,404 T.; *Z. A. Jessel*, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Dec. 19 at 9.*

*Thomas Parker*, Great Wild-street, Lincoln's-inn-fields, Middlesex, printer.—*Philip Talbott*, Lower-mall, Hammer-smith, shoemaker.—*Charles Mason*, Paris-street, Lambeth, Surrey, out of business.—*Thomas Hunt*, Upper Chapter-st., Vauxhall-bridge-road, Middlesex, excavator.—*Wm. March*, Bromley, Middlesex, shoemaker.—*John Chandler*, Lower Garden-street, Vauxhall-bridge-road, Middlesex, labourer.—*E. Brown*, Tower-street, Seven-dials, Middlesex, selling horses by commission.—*George Wrapsen*, Camden-street, Kensington Gravel-pits, Middlesex, coal dealer.—*Frederick Sanders*, Upper Albany-street, Regent's-park, Middlesex, fruiterer.—*John H. Speyer*, London-wall, London, tailor.—*Jos. Lander*, Bell-yard, Fleet-street, London, out of business.—*Frederick Hodges*, Wyndham-st., Bryanstone-square, Middlesex, clerk to a railroad contractor.

FRIDAY, DECEMBER 1.

### BANKRUPTS.

**THOMAS ALFORD**, Harrow-road, Paddington, Middlesex, licensed victualler, Dec. 12 at 2, and Feb. 8 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Berkeley, Lincoln's-inn-fields.—Fiat dated Nov. 28.

**JOHN HART**, Quadrant, Regent-street, Middlesex, tailor, Dec. 8 at half-past 11, and Jan. 12 at half-past 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Teague, Crown-court, Cheapside.—Fiat dated Nov. 14.

**RICHARD WILLIAM ELLIOTT**, Compton-st., Clerkenwell, Middlesex, manufacturing silversmith, Dec. 8 at 11, and Jan. 12 at 1, Court of Bankruptcy, London: Off. Ass. Green; Sol. Evans, 51, Lincoln's-inn-fields.—Fiat dated Nov. 28.

**JAMES SMITH**, Darenth, Kent, carpenter, Dec. 12 at half-past 1, and Jan. 17 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Hayward, Dartford; Tripp, Gray's-inn-square.—Fiat dated Nov. 28.

**CHARLES WILLIAMS**, Sunderland, Durham, carrier and leather seller, Dec. 12 at 12, and Jan. 23 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Snowball, Bishop Wearmouth; Bell & Co., Bow Churchyard, London.—Fiat dated Nov. 24.

**WILLIAM STONE**, Birmingham, printer and bookseller, Dec. 13 at half-past 11, and Jan. 16 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Haywood & Webb, Birmingham.—Fiat dated Nov. 25.

**ROBERT LOWES**, Sunderland, Durham, common brewer and innkeeper, Dec. 8 at 11, and Jan. 22 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Welford, Hexham; Cox & Stone, Poultry.—Fiat dated Nov. 25.

**JOHN JONES**, Conway, Carnarvonshire, ship builder and licensed victualler, Dec. 14 at 11, and Jan. 9 at half-past 11, District Court of Bankruptcy, Liverpool: Off. Ass. Follett; Sols. Roberts, Carnarvon; Lowe & Co., Southampton-buildings, Chancery-lane, London.—Fiat dated Nov. 10.

**THOMAS FAWCETT** and **JOHN MUIR**, Hollingworth, Cheshire, builders and railway makers, Dec. 16 and Jan. 12 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Fraser; Sols. Hibbert, Hyde, Cheshire; Tyler, Staples-inn.—Fiat dated Nov. 13.

### MEETINGS.

*John Richmond*, Lime-st., London, merchant, Dec. 12 at 1, Court of Bankruptcy, London, pr. d.—*Thomas Garbutt*, Manchester, linen manufacturer, Dec. 26 at 11, District Court of Bankruptcy, Manchester, pr. d.—*James Robertson*, Liverpool, merchant, Dec. 14 at 12, District Court of Bankruptcy, Liverpool, pr. d.—*Hugh Mackay*, Liverpool, merchant, Dec. 20 at 12, District Court of Bankruptcy, Liverpool, pr. d.—*Joseph Pratt*, Berners-street, Oxford-st., Middlesex, plumber, Dec. 12 at 11, Court of Bankruptcy, London, ch. ass.—*Edw. Elwell*, West Bromwich, Staffordshire, ironfounder, Dec. 13 at 12, District Court of Bankruptcy, Birmingham, ch. ass.—*James Pilgrim*, Church-street, Shoreditch, Middlesex, dealer in earthenware, Dec. 19 at 11, Court of Bankruptcy, London, last ex.—*Joseph Harrison*, Brighton, Sussex, coach builder, Dec. 9 at half-past 12, Court of Bankruptcy, London, last ex.—*Peter Austin Nuttall*, Edward-terrace, Chalk-road, Islington, Middlesex, newspaper vender, Dec. 14 at 12, Court of Bankruptcy, London, last ex.—*Wm. B. Gaskell*, Birmingham, draper, Dec. 14 at 12, District Court of Bankruptcy, Manchester, last ex.—*John Harwood* and *Fred. Harwood*, Fenchurch-street, London, stationers, Dec. 22 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Isaac H. R. Mott*, Pall-mall, and Dean-street, Soho, Middlesex, piano-forte maker, Dec. 21 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Benj. Jasper Wood*, Liverpool, optician, Dec. 22 at half-past 1, District Court of Bankruptcy, Liverpool, aud. ac.—*Wm. Hussey*, Nether Knutsford, Cheshire, bread baker, Jan. 8 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 9 at 11, div.—*Timothy Duggan*, Cheadle-grove, near Cheadle, Cheshire, calico printer, Jan. 8 at 11, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 9 at 11, div.—*G. Boggs*, Wm. Taylor, and Wm. Shand, jun., Great Winchester-street, London, merchants, Dec. 22 at 12, Court of Bankruptcy, London, div.—*Samuel M. Long*, North Lodge-farm, Enfield, Middlesex, lime burner, Dec. 22 at 1, Court of

Bankruptcy, London, div.—*Wm. Ward*, Blackfriars'-road, Surrey, draper, Dec. 21 at 11, Court of Bankruptcy, London, fm. div.—*George Bloor*, Wharf-road, City-road, Middlesex, coal merchant, Jan. 16 at half-past 11, Court of Bankruptcy, London, div.—*Dani. Wade Acraman*, *Wm. Edw. Acraman*, *Alfred John Acraman*, *Wm. Morgan*, *Thomas Holroyd*, and *James Norrway Franklyn*, Bristol, ship builders, Dec. 28 at 11, District Court of Bankruptcy, Bristol, div. sep. est. *J. N. Franklyn*; Dec. 29 at 1, div. sep. est. *W. Morgan*; Dec. 29 at 2, div. sep. est. *T. Holroyd*.—*John Jones*, Chepstow, Monmouthshire, wine merchant, Dec. 29 at 11, District Court of Bankruptcy, Bristol, div.—*Sam. P. Ward*, Liverpool, common brewer, Dec. 22 at 1, District Court of Bankruptcy, Liverpool, div.—*Betty Thorniley*, Broadbottom, Mottram-in-Longdendale, Cheshire, grocer, Jan. 8 at 11, District Court of Bankruptcy, Manchester, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Geo. Winning*, Dover-street, Piccadilly, Middlesex, upholsterer, Dec. 23 at 11, Court of Bankruptcy, London.—*Nathaniel Fraley*, Bristol, merchant, Dec. 28 at 1, District Court of Bankruptcy, Bristol.—*John Anderton*, Manchester, Tootal-bridge, and Ainsworth-hall, Lancashire, calico printer, Dec. 22 at 12, District Court of Bankruptcy, Manchester.—*Joseph Ridgway*, Manchester, merchant, Dec. 22 at 12, District Court of Bankruptcy, Manchester.—*Abraham Pickard*, Ouse, Dewsbury, Yorkshire, cloth manufacturer, Jan. 6 at 11, District Court of Bankruptcy, Leeds.—*Chas. Lowe*, Liverpool, builder, Dec. 22 at 11, District Court of Bankruptcy, Liverpool.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 22.

*Chas. Yandle*, Beaumont-street, Mary-le-bone, Middlesex, coach maker.—*T. Osborn*, Bordealeys, Aston-juxta-Birmingham, Warwickshire, banker.—*Samuel Polak*, Newport, Monmouthshire, woollen draper.—*Chas. Ridge*, Chichester, Sussex, banker.—*Jas. Gregory*, Sheffield, Yorkshire, manufacturer of table-knives.—*Dan. Hen. Brown*, Haverfordwest, linen draper.—*Wm. Burton*, Great Glenn, Leicestershire, carrier.—*Michael Jackson*, East Thickley Steam-mill, Auckland, Durham, miller.

## SCOTCH SEQUESTRATIONS.

*James Keith & Son*, Arbroath, brass-founders.—*G. Bailton*, Glasgow, auctioneer.

## DECLARATIONS OF INSOLVENCY.

*Joseph Hilton*, Meare, Somersetshire, clerk.  
*Alexander Brierley*, Little Carter-lane, Doctors'-commons, furrier.  
*Andrew Leigh*, Chorlton-upon-Medlock, Manchester, land and building agent.  
*William Roberts*, Wickwar, Gloucestershire, farmer.  
*John Hood*, Borcham-wood, Elstree, Hertford, farmer.  
*Pierre Francois Foucher*, Cook's-ground, Chelsea, Middlesex, dancing master.  
*John Humphreys*, Stafford-place, Pimlico, Westminster, Middlesex, tailor.  
*Henry Cox Hippisley Justins*, Cold Bath-square, Clerkenwell, Middlesex, clerk to an attorney.  
*Thomas Longhurst*, Warfield, Berkshire, farmer.  
*Jonathan Valentine*, Sheffield, haff and scale cutter.  
*John James Honner*, Pratt-street, Lambeth, Surrey, comedian.  
*Thomas Jones*, Liverpool, law stationer's clerk.  
*Henry Bugbird*, St. Clement's, Oxfordshire, foreman to a railroad contractor.  
*George G. Weston*, Hillingdon, Middlesex, linen-draper.  
*Charles Coates*, Huddersfield, Yorkshire, warehouseman.  
*William Henry Patten*, Plymouth, Devonshire, out of business.  
*Bury Summers*, Cheltenham, Gloucestershire, baker.  
*Thomas Chalmers Leslie*, Penton-street, Pentonville, Clerkenwell, Middlesex, surgeon.  
*John Woodman*, Hampden-street, Camden-town, St. Pancras, Middlesex, out of business.  
*Stephen Rumples*, Ipswich, Suffolk, baker.  
*Richard Scholes*, jun., Huddersfield, Yorkshire, accountant.  
*Abraham Butcher*, Dartford, Kent, butcher.

*Joseph Price Bridgnell*, High-st., Newington Butts, Surrey, linen-draper's assistant.

*William Highnam*, sen., Wood-street, Cheapside, London, out of business.

*Robert D. Lucas*, Trig-lane, Upper Thames-street, London, proprietor of a general address and advertising office, 12, Gough-square, London.

*Robert Smith*, Great Titchfield-street, St. Mary-le-bone, Middlesex, cabinet maker.

*George Biller*, York-terrace, Albany-road, Camberwell, Surrey, clerk to a solicitor.

*John Kimlin*, High-street, St. Mary Abbott's, Kensington, Middlesex, tailor.

*Edward Chillingworth*, Dudley, Worcestershire, licensed victualler.

*James Edmonds*, jun., Birmingham, japanner.

*David Hart Hope*, Worcester, out of business.

*George Brown*, Manchester, agent.

*Francis Pitt*, Kidderminster, Worcestershire, cabinet maker.

*Edward Legh Page*, Lower Eaton-street, Pimlico, Hanover-square, Middlesex, clerk in her Majesty's Customs.

## INSOLVENT DEBTORS' MEETINGS.

*Robert Wilkinson*, King's Lynn, Norfolk, stone-mason, Dec. 18 at 12, Fitcher's, King's Lynn, sp. aff.—*Thomas Glover*, Workington, Cumberland, innkeeper, Dec. 27 at 12, Ritson's, Whitehaven, sp. aff.

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# The Jurist

No. 361.

LONDON, DECEMBER 9, 1843.

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LONDON, DECEMBER 9, 1843.

WHENEVER the arrears of business in our courts are mentioned, the evil which is generally uppermost in men's minds is the delay of justice which the poor suitors suffer. And, indeed, it is natural that it should be so; for this is an evil of a tangible nature, and one which is often and painfully felt. But to us, who, with observant eye, regard the wide field of law, and mark the growth of this or that particular tree, and how far it affords shelter and protection to those who seek its shade, another evil of no slight magnitude seems to arise from the pressure of business. Lord Bacon has said, that affected despatch is one of the most dangerous things to business that can be; and every one in thought, if not in practice, agrees with him. A multiplicity of business in a court, we have said, may be productive of one of two evils:—its judges may proceed in their ordinary way, giving due audience to each suitor that comes before them, careless of the crowd of clamorous expectants that wait without, and so deal out just, though tardy, redress; or they may suffer their eyes to wander from the present individual to those who follow behind him, and, in their anxiety about them, dismiss him with a hasty and ill-considered answer, or, rather, may suffer the whole crowd to break in and then get rid of them as best they can. But, unfortunately, the mischief does not end here; the words uttered in judgment, whether hasty or deliberate, ill-considered or well-considered, are caught up by ever watchful pens and committed to paper, in due time to appear in printed volumes of imposing look, as "Reports of Cases argued and determined in the Court of —," and serve as guide-posts and landmarks to future suitors. We should be sorry to speak harshly; but who that has read the old reports—the time-honoured storehouses of law—can have failed to contrast the arguments and decisions of

the present time with the untiring research and mature deliberation there exhibited? How, by bar and by bench, the question was turned and twisted in every possible way, all its consequences considered, its every corollary examined, and not till then was any decision pronounced. We do not indeed expect that modern courts can do all this. Those were the happy times when "the justices of England sit not in the King's courts above three hours in a day, that is to say, from eight of the clock in the forenoon till eleven complete; for in the afternoons those courts are not holden or kept, but the suters then resort to the perusing of their writings, and elsewhere consulting with the serjeants-at-law and other their counsellours. Wherefore the justices, after they have taken their refection, do pass and bestow all the residue of the day in the study of the laws, in reading of Holy Scripture, and using other kind of contemplation at their pleasure, so that their life may seem more contemplative than active. And thus do they lead a quiet life, discharged of all cares and troubles." A state of legal bliss, now, alas! to be enjoyed by one only of her Majesty's superior courts at Westminster. Perhaps the real reason why the privilege of the Serjeants is retained is respect for the memory of Fortescue—a wish that we of modern times, having before our eyes the coif-guarded sequestered spot where they are wont to contemplate, may be prevented from supposing, that, in the passage above quoted, that sober writer was indulging in an unwonted freak of imagination. But though we cannot expect of modern courts, that they should labour their cases as did the ancient sages of the law, it may be hoped that they will not run into the opposite extreme. If they cannot give a whole day to a single case, it does not follow that they should dismiss it in an hour.

The foregoing observations have been suggested by the perusal of a case which was reported in our last

number, concerning which, and one connected with it, we cannot forbear making some remarks to our readers. Many of them, perhaps, will remember the case of *Smith v. Marvable*, decided by the Court of Exchequer in last Hilary Term. We have now before us three reports, (11 M. & W. 5; 12 Law Journ., N. S., Exch., 223; and 7 Jur. 70), all agreeing in the account they give of it. The action was for use and occupation, and the defence was, that the house was infested by bugs. The Lord Chief Baron, before whom the cause was tried, is said to have told the jury, that, in point of law, every house must be taken to be let upon the implied condition that there was nothing about it so noxious as to render it uninhabitable. The jury, acting upon this, found a verdict for the defendant, and upon a motion for a new trial, on the ground of misdirection, the following judgment was delivered:—"This case involves the question, whether, in point of law, a person who lets a house must be taken to let it under the implied condition that it is in a state fit for decent and comfortable habitation, and whether he is at liberty to throw it up when he makes the discovery that it is not so. The case of *Edwards v. Etherington* appears to me to be an authority very nearly in point. There, the defendant, who held a house as tenant from year to year, quitted without notice, on the ground that the walls were in so dilapidated a state, that it had become unsafe to reside in it; and Lord Tenterden, at Nisi Prius, held these facts to be an answer to an action by the landlord for use and occupation, telling the jury, that, although slight circumstances would not suffice, such serious reasons might exist as would justify a tenant's quitting at any time, and that it was for them to say, whether, in the case before them, such serious reasons might exist as would justify—as would exempt the defendant from the plaintiff's demand, on the ground of his having had no beneficial use and occupation of the premises. The jury found for the defendant, and the Court of King's Bench was afterwards moved for a new trial, on the ground of misdirection, but they refused to disturb the verdict. There is also another case, of *Collins v. Barrow*, in which Bayley, B., held, that a tenant was justified in quitting without notice premises which were noxious and unwholesome for want of proper sewerage. These authorities appear to me fully to warrant the position, that, if the demised premises are encumbered with a nuisance of so serious a nature, that no person can reasonably be expected to live in them, the tenant is at liberty to throw them up. This is not the case of a contract on the part of the landlord, that the premises were free from the nuisance; it rather rests in an implied condition of law, that he undertakes to let them in a habitable state." And Lord Abinger says, "I am glad that authorities have been found to support the view which I took of this case at the trial; but, for my own part, I think no authorities were wanted, and that the case is one which common sense alone enables us to decide. A man who lets a ready-furnished house surely does so under the implied condition or obligation—call it which you will—that the house is in a fit state to be inhabited."

Who among our readers would not, upon reading the above judgment, consider this case as deciding, as stated in the placita of two of the reports, and marginal note of

the third, that it is an implied condition, in letting a house, that it is habitable, and free from any serious nuisance; and that, too, upon a principle applicable not merely to the letting of a house, but to the letting of land or any other tenement? Not so, however; and we and others, who may have thought that such was the meaning of the court, have been much mistaken. "*Expressum facit cessare tacitum*" is a well-known legal maxim; but our readers will see, that, in this instance, it ought rather to be said, "*Tacitum facit cessare expressum*."

In THE JURIST of last week (p. 1066) is a report, of which we have no reason to doubt the correctness, of a case of *Sutton v. Temple*. This was an action of assumpsit for the use of certain pasture land, and the eatage of the grass growing thereon, which had been let by the plaintiff to the defendant. After the defendant had put in his cattle, it was found that a quantity of refuse paint was scattered over the land, and several of them were poisoned by it. The defendant, being advised, no doubt, that his case came within the principle laid down in *Smith v. Marvable*, insisted that he had a right to give up possession of the land, and so must Lord Abinger, who tried the cause, have thought; for he told the jury, that, if the land was so poisoned as to be unfit for eatage by cattle, the defendant was only liable for the time he had actually occupied. When the case came to be argued before the court, the defendant's counsel relied of course upon *Smith v. Marvable*. The counsel on the other side took several objections to that case, but apparently not doubting its applicability to the point in question. But not so the court. We must ask our readers to refer to the judgment, as it is too long to be inserted here; but they will there be told, that *Smith v. Marvable* rests on a principle altogether different from that in question in the later case; that the contract there was partly for goods and partly for the hire of a house; and it was because the goods—the furniture—failed to answer the purpose for which they were hired, that the contract was not binding\*. Now, we would again refer our readers to the report of *Smith v. Marvable* in each of the three books that we have named, and ask them if they can find in that report one word leading ordinary lawyers to the supposition that the court meant to put the decision on the ground of the contract being for goods, as distinguished from a contract for the letting of a house; whether, on the contrary, the judgment is not so worded, as to induce a belief that what was decided, was, that on the demise of a house generally, whether furnished or not, there is an implied warranty that it shall be fit for habitation. If the ground of that decision was not that which appears in the three several reports, but the totally distinct one stated in *Sutton v. Temple*, why was it not stated plainly at the time? And how is it that the case was decided professedly on the authority of other cases, (*Edwards v. Etherington* and *Collins v. Barrow*), in which there was no hiring of goods at all?

Whether *Smith v. Marvable* is now law or not, it is

\* We will observe, en passant, that the contract in *Smith v. Marvable* was simply for "a house." On the face of the agreement, it did not appear that there was any furniture to pass with it. This, we presume, was not pressed upon the notice of the learned judges, who explained that case in *Sutton v. Temple*.



not easy to say. Certainly it is not, as originally decided, if *Sutton v. Temple* is, and it can only be taken to be so with the explanation that has lately been given. But whether the case explaining it is itself law, it is equally impossible to say with any certainty, if a new judicial practice is to be adopted, according to which the next case on the subject may explain away all the grounds of decision apparent in the report of *Sutton v. Temple*, with as much facility as that case has explained away *Smith v. Marrable*.

#### REMARKS ON THE ACT FOR THE IMPROVEMENT OF THE LAW OF EVIDENCE SO FAR AS IT RELATES TO THE EXAMINATION OF PARTIES TO THE SUIT IN EQUITY.

The recent act for the improvement of the Law of Evidence (6 & 7 Vict. c. 55) may well be considered a great boon to the litigating world; and, therefore, (since no man can insure himself against becoming a member of that unenvied community), to the public at large. In it we see the abandonment of a theory which was reared in prejudice and narrow views of the disposition of the human mind, but which had no support either in reason or convenience. It is calculated to promote the cause of the honest man, whose reliance is in truth, for it furnishes those means of arriving at the truth which have hitherto been rejected. To suppose that, because a man is subject to a bias, he is therefore unworthy of all credit, and to reject his evidence when he clearly spoke the truth against his own interest, in order to bear out this hypothesis, was indeed sacrificing more practical good to a general principle than any theorist of moderate stubbornness could have desired. "To keep the current of evidence pure and uninfected," is no doubt a wise and just endeavour; but, for this purpose, to dam up one of its chief sources, is mischievously absurd. Such, however, was the effect of the rule of our law, which declared the testimony of a party inadmissible propter lucrum damnumve. When we say that that rule worked in many cases a denial of justice, we may appeal to the experience of practical men for the truth of the assertion, and ask whether they cannot call to mind many cases in which a righteous cause has been lost for want of evidence, which our law locked up in the breast of a party, against whose integrity there was no ground for suspicion, and who would have spoken the truth at all hazards; or whom, possibly, although his honesty was not proof against temptation, the knowledge, or even the apprehension, that the means of conviction were at hand, deterred from testifying falsely? The answer to this question will bear us out in alleging that the above statute, which attacks a frightful error in principle, has conferred more real and essential benefit upon suitors than any score of the many recent enactments, which are directed merely to remedy abuses in the practice, or inconvenience in the forms, of legal proceedings. It is, however, only to the general principle of the act that our admiration as Chancery practitioners can extend; for in those of its provisions which relate to proceedings in equity we think that we discover a dereliction of principle and an inconsistency, which we hardly know whether to attribute to design or to error—to some lingering fondness for the old rule, or some miscarriage in giving effect to the new one. We had come to this conclusion, and, in fact, had made the following observations upon the points, which a careful consideration of the statute had suggested to us, before a pamphlet\*, written by a learned Lord and quondam Lord Chancellor, professedly treating on the

subject of legal reform and codification, but, in reality, glancing at a great variety of legal, political, and personal subjects, fell into our hands. In that pamphlet we found one or two passages which, it must be owned, did make us pause, and which, perhaps, our readers may think, should altogether have repressed our intended criticism. "This," says his Lordship, "is certainly the greatest measure that has been carried under the head of judicial procedure since the Statute of Frauds—that is, since the Restoration. It places the law of evidence, at length, upon a rational footing, and makes its provisions consistent with themselves. It protects judges and juries and parties from the miscarriages heretofore constantly produced by the exclusion of important testimony, wisely opening the door to the witness, but reserving the estimate of his credit and the value of his evidence to those who are to judge the cause. It also sweeps away the numberless nice and subtle distinctions in which the profession was wont to luxuriate, disencumbers our jurisprudence of a heavy load of useless decisions, resting upon refinements and not principles, and abridges the trial of causes by shutting out those debates that used daily to arise upon the admission of proofs, which the common sense of mankind at once pronounced should be received, and which the law itself did receive in other instances not distinguishable by the naked eye of plain reason. There have been few greater improvements in our judicial system than those which are effected by this valuable statute." (pp. 45, 46). We are willing to believe that these remarks are intended by his Lordship to apply rather to the principle which the statute has set up, than to the mode in which that principle is thereby attempted to be carried out in all its details, and thus to persuade ourselves that our humble notions on the subject are not, in fact, at variance with the high authority of his Lordship's deliberate opinion. Under the influence of this persuasion, and with all submission to the weight of the above-quoted eulogistic declaration, we propose to consider—

First, whether, and how far, the old rule as to the examination of parties to a suit in equity has been altered by the statute.

And, secondly, how far, consistently with the principle upon which the statute is founded, its provisions should have extended to the admissibility of the evidence of parties to a suit in equity.

First, the act, after declaring that no witness shall be excluded, by reason of incapacity from interest, from giving evidence in any suit, action, or proceeding, civil or criminal, in any court, &c., provides, that it shall not render competent any party to any suit, action, or proceeding, individually named in the record, &c.; and by a further proviso enacts, that, in courts of equity, any defendant to any cause pending in any such court may be examined as a witness on the behalf of the plaintiff, or of any co-defendant, in any such cause, saving just exceptions; and that any interest which such defendant may have in the matters, or any of the matters in question in the cause, shall not be deemed a just exception, &c. Now, it will be remembered, that, according to the practice of the court before the act passed, it was competent for a plaintiff to examine a defendant as a witness, saving just exceptions, and a defendant would, in like manner, examine a co-defendant; but in both cases it was necessary that the leave of the court should be obtained, which, however, was always granted as a matter of course. With regard to the examination of a defendant by the plaintiff, there were certain restrictions and inconveniences beyond the mere question of inadmissibility on the score of interest. In the first place, the plaintiff could take no adverse decree against a defendant whom he had examined; and it followed, as a necessary consequence from this rule, that the plaintiff could obtain no relief against the other defendants to

\* "Letters on Law Reform, to the Right Hon. Sir J. R. G. Graham, Bart., &c., from Lord Brougham."

the suit, if in order thereto such a decree was necessary. In the next place, the plaintiff could not examine a defendant, after he had replied to his answer, without previously obtaining the leave of the court to withdraw the replication. Lastly, the plaintiff was compelled to pay the costs of the defendant whom he had examined, being left to take his chance of recovering them against the other defendants, according to circumstances. The only restriction which existed in the case of an examination of one defendant by another arose out of the objection, that the defendant examined was an interested party; the rule being, that, if a decree could be had against him, in respect of a direct beneficial interest in the subject as to which he was examined, or if, by possibility, he might become liable for costs, his evidence was inadmissible. But where he was merely a formal party, having no direct interest in the suit, and under no liability as to costs, the objection went only to his credibility. The effect of the statute upon the practice, up to a certain point, is too clear to admit of the slightest doubt. A plaintiff may now examine any defendant, and a defendant any co-defendant, without regard to the nature or the extent of his interest in the suit; and since he derives his power under the statute, there will be no necessity for his obtaining the leave of the court for that purpose. But it is not, perhaps, quite so clear at first sight, whether the restrictions above mentioned as existing in those cases where the plaintiff examines a defendant have been removed. It is, however, submitted, that, upon considering the reasons that gave rise to those restrictions, the point will be freed from all difficulty. The reason upon which the first restriction was founded is thus stated by Lord Hardwicke: "Whenever you examine a defendant as a witness, you cannot pray an adverse decree against him, because that would be charging him on his own evidence, which, if you do, would be a great temptation to witnesses to forswear themselves." (*Carter v. Hawley*, Amb. ed. Blunt, 584 n). The reason for the second rule is thus stated by Lord Langdale, M. R.: "If an answer be not replied to, the whole of it is taken to be true, and the defendant, having credit for its being true, may be examined as a witness upon matters in which he is not interested, although he may be interested in other matters in respect of which there may be a decree against him, upon his own statement in his answer, not replied to. But the replication denies the truth of the whole answer, and shews that the plaintiff considers the defendant to be concerned in interest; and whilst the replication remains on the file, and the answer is thus denied to be true, the plaintiff is not at liberty to allege that the defendant is not interested in any of the matters in question, or to examine him in a way which might tend to falsify any part of the answer." (*Holmes v. The Corporation of Arundel*, 4 Beav. 157). Thus, then, these two rules were made to rest wholly upon the bias which the defendant's interest naturally produces, and which was considered incompatible with his character as a witness; so that in the one case, where the plaintiff used him as a witness, he was not allowed to treat him as a defendant; and, in the other case, where he had treated him as a defendant, he was not allowed to use him as a witness. The act removes this objection, by declaring that the evidence of a person shall be admissible, notwithstanding he may have an interest in the matter, or in the event of the suit; and thus having destroyed the foundation for the rules in question, it follows that they must fall to the ground.

The question remains, whether the rule, with respect to the payment of the defendant's costs by the plaintiff, who examines him, is affected by the act. It may be said that this rule did not grow out of the principle just alluded to, but rather out of the consideration, that, if a plaintiff thinks proper to call upon a defendant to assist him in making out his case,

it is right that he should relieve him from all expense—for the same reason as the plaintiff must pay the costs of a bill for discovery. There does not, however, appear to be any sufficient principle why this rule should not fall with the others. Where no decree could be had against a defendant, because he had been examined as a witness, there was some ground for saying that the plaintiff had, in effect, acknowledged that the defendant was not not a necessary party, or had admitted that he had no right to any relief against him, and, therefore, he should pay his costs. Moreover, if the defendant was liable to costs, he was still under the influence, which, according to the old rules of evidence, destroyed his competency as a witness; and this was probably the true ground for the rule. But as now a decree may be had against a defendant, notwithstanding he has been examined as a witness, it would surely be unjust to throw the burden of the costs of the suit upon a plaintiff, who has established his right to relief, and would also render his remedy most imperfect.

The conclusion, therefore, at which we have arrived upon the first question is this: that the rule which relates to the examination of parties in equity is thus far altered, that a defendant may be examined by a plaintiff or a co-defendant in the same manner, and with the same results, (so far as the proceedings in the suit are concerned), as any other witness. But although this appears to be tolerably clear, and, although, to most of our readers it may appear to admit of little doubt, still there may be some to whose minds it may present much difficulty. The remark which was applied to a far simpler system than ours may be well remembered here: "Multæ sunt leges et varias habent formas. Alia est cujus verbis nitimur: alia cujus voluntate: alias nobis, cum ipsi nullam habemus, adjungimus: alias inter se comparamus: alias in diversum interpretamur\*." And when we bear in mind the ingenuity which some men will employ in evading the provisions of an act of Parliament, and the perverse stolidity with which others will misconstrue them, it may be questioned whether it would not have been better to put an end to all conjecture upon these points, by introducing into the proviso of the act a few words, or, at most, a few lines, by way of explanation, which would have precluded all possibility of evasion or misconstruction.

(To be continued).

## Court Papers.

CAUSE LISTS.—SITTINGS AFTER MICHAELMAS TERM, 7 VICT.

## Court of Chancery.

\* \* The following abbreviations have been adopted to abridge the space the Cause Papers would otherwise have occupied:—A. Abated—Adj. Adjourned—A. T. After Term—Ap. Appeal—C. D. Cause Day—C. Costs—D. Demurrer—E. Exceptions—F. D. Further Directions—M. Motion—P. C. Pro Confesso—Pl. Plea—Ptn. Petition—R. Re-hearing—S. O. Stand Over—Sh. Short.

Before the LORD CHANCELLOR.

## APPEALS.

Marquis of Westminster v. Morrison (Ap) S O	Walsh v. Gladstone } (Ap)
The Sheffield Canal Co. v. The Sheffield & Rotheram Railway Co. (Ap) S O	Ditto v. Ld. Camoys } Dec. 13
Morrall v. Sutton (Ap) S O	Arundale v. Bowyer (Ap)
Barrs v. Jackson (Ap)	Fisher v. Taylor (Ap)
Baillie v. Innes } (Ap)	Benson v. Heathorn (Ap)
Ditto v. Palmer } Dec. 11	Dec. 11
Tulloch v. Hartley (Ap) S O G	Cottingham v. Earl of Shrewsbury } (Ap)
Dryden v. Burnham } (Ap)	Præd v. Richards } (Ap)
Burnham v. Dryden }	Ditto v. Jerningham }
	Booth v. Lightfoot (Ap)
	Cutts v. Thodey (Ap)

\* Quintilian, Inst., lib. 3, cap. 6.



Selby (pauper) v. Jackson (Ap)  
 Heighington v. Grant (5 causes Ap)  
 Sherwood v. Walker (Ap)  
 Bonser v. Cox (Ap, F D)  
 Att.-Gen. v. Rickards (Ap)  
 Foley v. Hill (Ap)  
 Foster v. Smith (Ap)  
 Bute v. Stuart (E)  
 Jones v. Howells } (Ap)  
 Ditto v. Godsall }  
 Strickland v. Strickland }  
 Ditto v. Boynton } (Ap)  
 Ditto v. Strickland }  
 Smith v. Henley (Ap)  
 Harvard v. Price } (Ap)  
 West v. Ditto }  
 Brown v. Bees (Ap)

Bruin v. Knott (Ap)  
 Blackford v. Kirkpatrick  
 Oglander v. Williams } (Ap)  
 Ditto v. Eames }  
 Matthew v. Brise (Ap)  
 Duke of Leeds v. Earl Amhurst (Ap)  
 Thompson v. Geary (Ap)  
 Spalding v. Ruding (Ap)  
 Hills v. Nash (Ap)  
 Millar v. Graig (Ap)  
 Rickards v. Rickards (Ap)  
 Sands v. Fincham (Ap)  
 Cochrane v. Cochrane } (Ap)  
 Lord v. Colvin }  
 Davenport v. Bishop (Ap)  
 Clifford v. Turrell (Ap)  
 Parsons v. Bignold (Ap)

## CAUSES, FURTHER DIRECTIONS, AND EXCEPTIONS.

*Before the VICE-CHANCELLOR OF ENGLAND.*

Parker v. Bult (D)  
 Pinkus v. The Ratcliffe Gas Light & Coke Co. (pt. hd.) }  
 Ditto v. Norman }  
 Ditto v. Bromley }  
 Urquhart v. Urquhart (part heard)  
 Bawden v. Tepper (part heard)  
 Solomon v. Solomon }  
 Ditto v. Daniel }  
 Attorney-Gen. v. Baines  
 Croft v. Waterton } S O  
 Waterton v. Croft }  
 Farmer v. Farmer } Dec. 11  
 Ditto v. Ditto }  
 Bentley v. Smart S O  
 Beresford v. Armagh (F D) S O  
 Naylor v. Wetherell (Cause, Ptn, part heard)  
 Att.-Gen. v. Glynn (F D, Ptn) S O G  
 Graham v. Williams (F D, part heard)  
 Cordy v. Williams (Cause) }  
 Wyatt v. Dalrymple }  
 New Zealand Co. v. Barnewall Dec. 9  
 Wright v. Barnewall  
 Bowers v. Sherman (F D) } S  
 Ditto v. Nunn (Cause) } O  
 Shackell v. Duke of Marlborough (re-hearing) S O  
 Coore v. Lowndes (pt. hd.) }  
 Poore v. Ditto }  
 Foley v. Hill (F D, C) S O  
 Davis v. Beavan } (F D, C)  
 Wright v. Norris }  
 Curzon v. Belworthy

Minor v. Minor } (part heard)  
 Ditto v. Ditto }  
 Hall v. Bullock  
 Marshall v. Lambert (F D, Ptn)  
 Graham v. Cordry  
 Williams v. Jones  
 Sutherland v. Abington (F D)  
 Patrick v. Richards (F D)  
 Fisher v. Great Western Railway Co. (F D)  
 Whithy v. Hughes  
 Caffary v. Caffary  
 Leslie v. Verbeke (F D, C)  
 Taylor v. Haygarth (F D, C)  
 Murray v. Stone  
 Smith v. Smith (F D, C)  
 Rawlins v. Burkett S A  
 Att.-Gen. v. Allen (F D, C)  
 Simpson v. Holt  
 Hancock v. Harborne  
 Bailey v. Runcy (F D, C)  
 Cooper v. Carrington  
 Lee v. Leeming  
 Smith v. Compton  
 Hill v. Sanders  
 Chalmers v. Kinlock (F D) S A  
 Smith v. Falconer  
 Farmer v. Offley S A  
 Bacon v. Bridges  
 Surry v. Fullwood (F D, C)  
 Cooke v. Smith  
 Hardy v. Hull  
 Dawson v. Chappell  
 Wellasley v. Wellasley (3 ca.)  
 Pocklington v. Bonner S A  
 Martin v. Maughan (F D, C)  
 Bourne v. Rotherham S A  
 Attorney-Gen. v. Hooke

*Before the Vice-Chancellor KNIGHT BRUCE.*

Powell v. Corfield (Pl)  
 Proudfoot v. Hume } S O  
 Ditto v. Johnson }  
 Christie v. Hodges S O G  
 Padley v. Kidney (F D, C) S O G  
 Dodsworth v. Lord Kinnaird (at defendant's request) *Hilary Term*  
 Meinertzhagen v. Davis S O  
 Beales v. Spencer (F D) S O  
 Kenington (pauper) v. Houghton  
 Kyan v. Dunn } (F D, Ptn)  
 Ditto v. Galle }

Birch v. Birch  
 Masters v. Barnes  
 Ellis v. Goodson Dec. 9  
 Moore v. Gleason  
 Attorney-Gen. v. Higham  
 Jones v. Williams (F D, C)  
 Morrison v. Morrison (F D, C)  
 Morrison v. Clay  
 Clay v. Morrison  
 Cunningham v. Murray }  
 Ditto v. Hay }  
 Bidwell v. Robins  
 Norton v. Carthew  
 Jenkins v. Gower S A

*Before the Vice-Chancellor WIGRAM.*

Sminfit v. Peareth (D)  
 Broad (pauper) v. Robinson  
*Hilary Term*  
 Tatam v. Williams  
 Griffiths v. Griffiths }  
 Ditto (Henry) v. Ditto }  
 Attorney-Gen. v. Barker  
 Plunket v. Lewis S O G  
 Bulmer v. Allison *Hil. Term*  
 Moore v. Newham S O  
 Simes v. Hardy } S O  
 Ditto v. Masfield }  
 Simes v. Eyre } S O  
 Ditto v. Mansfield }  
 Gordon v. Pym (part heard) Dec. 5  
 Tomlin v. Tomlin (E, F D) S O G  
 Humphries v. Horne Dec. 5  
 Wood v. Wood (F D, C) Dec. 5  
 Ayscough v. Savage (F D, C) Dec. 5

Sneyd v. Christie  
 Brown v. Nelson (F D, C)  
 Hall v. Brown (F D, C)  
 Crawhall v. Dawson  
 Mason v. Winn (F D, C)  
 Townsend v. Carus  
 M'Gregor v. Topham  
 Crawford v. Fisher (F D, C)  
 Westcott v. Cullyford  
 March v. Badder  
 Walker v. Hodson  
 Goodchild v. Dyer  
 Delandier v. Morson  
 Moody v. Hebbard  
 Kay v. Wall  
 Blunt v. Clitherow S A  
 Brown v. Lewis S A  
 Gordon v. Scott  
 Kadcliffe v. Carter  
 Tatam v. Williams  
 Woodroffe v. Woodroffe S A  
 Ditto v. Ditto S A

**London Gazettes.****TUESDAY, DECEMBER 5.  
BANKRUPTS.**

MATTHEW ALLEN, Henrietta-street, Covent-garden, Middlesex, dealer in patent wood carving, Dec. 15 and Jan. 16 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Bischoff & Coxe, 19, Coleman-street, City.—Fiat dated Dec. 2.  
 EDWARD THOMAS GORE, Church-end, Tilehurst, Berkshire, cattle dealer and dealer in wood, Dec. 19 at half-past 2, and Jan. 16 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Johnson & Co., Temple.—Fiat dated Dec. 4.  
 JOSEPH LIDWELL HEATHORN, Abchurch-lane, London, ship-owner, Dec. 19 at half-past 1, and Jan. 16 at 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Pering & Co., 5, Laurence Pountney-lane.—Fiat dated Nov. 22.  
 RICHARD PUSEY, Drayton, Berkshire, baker, Dec. 15 at half-past 12, and Jan. 16 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Frankham & Bartlett, Abingdon; Ford, Bloomsbury-square.—Fiat dated Nov. 22.  
 HENRY TREGENT, Basinghall-street, London, merchant, Dec. 18 at 11, and Jan. 16 at 12, Court of Bankruptcy, London: Off. Ass. Green; Sols. Crowder & Maynard, Coleman-street.—Fiat dated Nov. 27.  
 JOB GIBSON, Kirtou, Lindsey, Lincolnshire, grocer and druggist, Dec. 18 and Jan. 10 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sols. Longstaff, Lincoln; Payne & Co., Leeds.—Fiat dated Nov. 22.  
 SAMUEL WILSON SUFFIELD, Birmingham, druggist, Dec. 13 at 1, and Jan. 16 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. A. & T. S. Ryland, Birmingham.—Fiat dated Nov. 29.  
 WILLIAM SHAW, Stafford, saddler, Dec. 14 and Jan. 15 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. A. & T. S. Ryland, Birmingham.—Fiat dated Nov. 27.  
 EDWIN BANCROFT BAYLEY, Pendleton, near Manchester, stuff and mousseline de laine printer, Dec. 19 and Jan. 17 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Pott; Claye & Co., Manchester; Gregory & Co., Bedford-row, London.—Fiat dated Nov. 28.  
 CHARLOTTE ELEANORA SHORT, Woodend, Cheshire, calico-printer, Dec. 19 and Jan. 17 at 11, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Atkinson & Saunders, Manchester; Makinson & Sanders, Elm-court, Middle Temple.—Fiat dated Nov. 22.

**MARTINGS.**

A. G. W. Biddulph, J. Wright, H. Robinson, and E. W. Jerningham, Henrietta-street, Covent-garden, Middlesex, bankers, Dec. 16 at 11, Court of Bankruptcy, London, pr. d.—Alexander Winton, David Winton, and James Webber, Wood-street, Cheapside, London, warehousemen, Dec. 14 at

11, Court of Bankruptcy, London, pr. d.—*John Clarke, Rich. Mitchell, Jos. Philips, and Thos. Smith*, Leicester, bankers, Dec. 19 at 11, District Court of Bankruptcy, Birmingham, pr. d.—*Peter Sowerby*, Liverpool, provision dealer, Dec. 19 at 11, District Court of Bankruptcy, Liverpool, ch. ass.—*Thos. Coleman*, St. Alban's, Hertfordshire, licensed victualler, Dec. 19 at half-past 12, Court of Bankruptcy, London, last ex.—*Wm. S. Walker*, Hull, Yorkshire, grocer, Dec. 28 at 3, Court of Bankruptcy, London, and. ac.—*Geo. Gandell and Jas. B. Higgs*, Charlotte-row, Mansion-house, London, bill brokers, Dec. 28 at half-past 2, Court of Bankruptcy, London, and. ac.—*Alfred Harris*, Chichester, Sussex, hotel keeper, Dec. 28 at 12, Court of Bankruptcy, London, and. ac.—*Geo. Thos. Whittington*, Great St. Helen's, London, merchant, Dec. 28 at 2, Court of Bankruptcy, London, and. ac.—*James Martin*, Bexley-heath, Kent, victualler, Dec. 28 at 11, Court of Bankruptcy, London, and. ac.—*Robert Honner*, Clarence-cottages, Camden-town, Middlesex, contractor for wood paving, Dec. 28 at 1, Court of Bankruptcy, London, and. ac.—*Robert Heathcote*, Manchester, victualler, Jan. 11 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 12 at 12, div.—*Joseph Massey*, Habergham Eaves, near Burnley, Lancashire, worsted spinner, Jan. 11 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 12 at 12, div.—*John Thompson*, Blackburn, Lancashire, power-loom cloth manufacturer, Jan. 15 at 12, District Court of Bankruptcy, Manchester, and. ac.; Jan. 16 at 12, div.—*Dan. Matthews*, Pendleton, Lancashire, victualler, Jan. 15 at 1, District Court of Bankruptcy, Manchester, and. ac.; Jan. 16 at 1, div.—*Rich. Ferris, James Henry Butler, and John Butler*, Liverpool, merchants, Dec. 29 at half-past 1, District Court of Bankruptcy, Liverpool, and. ac.; Jan. 28 at 12, div.—*Wm. Jones*, Park, near Cardiff, Glamorganshire, ship builder, Jan. 2 at 11, District Court of Bankruptcy, and. ac.; Jan. 3 at 11, div.—*J. C. Jennings and W. C. Jennings*, Bristol, corn and provision merchants, Jan. 2 at 12, District Court of Bankruptcy, Bristol, and. ac.—*Wm. Castle*, Wanborough, Wiltshire, sheep dealer, Jan. 4 at 11, District Court of Bankruptcy, Bristol, and. ac.—*W. T. E. Phelps*, Newport, Monmouthshire, coal merchant, Jan. 8 at 11, District Court of Bankruptcy, Bristol, and. ac.; Jan. 9 at 11, fin. div.—*Wm. Borton*, Kirbymisperton, Yorkshire, banker, Jan. 6 at 11, District Court of Bankruptcy, Leeds, and. ac.; Jan. 9 at 11, fin. div.—*Edw. Thos. Hall and James Hall*, Leeds, Yorkshire, flax spinners, Jan. 20 at 11, District Court of Bankruptcy, Leeds, and. ac.—*Saml. Kirk*, Sheffield, Yorkshire, iron founder, Jan. 20 at 11, District Court of Bankruptcy, Leeds, and. ac.; Jan. 23 at 11, div.—*Sam. Middleham*, Clifton, Dewsbury, Yorkshire, wine merchant, Jan. 6 at 11, District Court of Bankruptcy, Leeds, and. ac.; Jan. 9 at 11, fin. div.—*J. W. Cullis*, Clun, Shropshire, chemist, Jan. 3 at 12, District Court of Bankruptcy, Birmingham, and. ac.; Jan. 4 at 12, div.—*William Walker*, Burton-upon-Trent, Staffordshire, mercer, Jan. 3 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.; Jan. 4 at half-past 11, div.—*Geo. Sailer*, Davies-st., Middlesex, builder, Dec. 28 at half-past 1, Court of Bankruptcy, London, div.—*Francis Carey*, Nottingham, hatter, Dec. 22 at 11, Court of Bankruptcy, London, div.—*Jas. Bonny*, Liverpool, tailor, Dec. 29 at 1, District Court of Bankruptcy, Liverpool, div.—*Thos. Brooke*, Liverpool, licensed victualler, Dec. 29 at 12, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*John Ryan*, Strand, Middlesex, proprietor of the Illustrated Weekly Times, Dec. 27 at 11, Court of Bankruptcy, London.—*John Etock*, Leeds, Yorkshire, linen draper, Jan. 6 at 11, District Court of Bankruptcy, Leeds.—*Jos. Newsome*, Dewsbury, Yorkshire, blanket manufacturer, Jan. 9 at 11, District Court of Bankruptcy, Leeds.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Dec. 26.*

*Richard Almond*, Orrell, Lancashire, coal dealer.—*Robert Hughes*, Wrexham, Denbighshire, tailor.—*Jas. R. Munden*, Barwick, near Yeovil, Somersetshire, flax and tow spinner.—*Jas. Goddard*, Market Harborough, Leicestershire, banker.—*Edw. Thornycroft*, jun., and *Geo. Thornycroft*, jun., Wolverhampton, Staffordshire, iron manufacturers.—*H. Goddard*, Market Harborough, Leicestershire, banker.

#### FIATS ANNULLED.

*Edw. Raby*, Wolverhampton, Staffordshire, spectacle maker.—*John Wood*, Coleman-street and Farringdon-st., London, tobacconist and importer of cigars.

#### DECLARATIONS OF INSOLVENCY.

*James Saunders*, Manchester, painter.  
*Jonathan Couch*, St. Erth, Cornwall, saddler.  
*John Broom*, Huddersfield, Yorkshire, wheelwright.  
*James Iredale*, Huddersfield, Yorkshire, shopkeeper.  
*John Roberts*, Liversedge, Birstal, Yorkshire, shoemaker.  
*Henry Ambler*, Keighley, Yorkshire, shoemaker.  
*W. Teale*, Yeaton-moor-end, Guisely, Yorkshire, cloth maker.  
*Jas. Marshall*, Stannington, Ecclesfield, Yorkshire, publican.  
*Thomas Whittingham*, Manchester, job and waste dealer.  
*Wm. W. May*, Brook-street, New-road, Middlesex, labourer.  
*John Taylor*, Liverpool, eating-house keeper.  
*Samuel Smith Noble*, Little Moorfields, Coleman-street, London, packing-case maker.  
*Jane Slinger*, widow, Salford, Lancashire, in no profession.  
*James Tench*, Stafford, attorney at law.  
*John Robert Claxton Colman*, Hethersett, Norfolk, surgeon.  
*James Duck*, Queen-street, Oxford-street, out of business.  
*James Sharp*, jun., Leamington Priors, Warwickshire, newspaper editor.  
*John Turner*, Amwell-street, Clerkenwell, out of business.  
*William Swain*, Preston, Hitchin, Herefordshire, farmer.  
*Mary Gill*, Hoton-hills, Leicestershire, widow, farmer.  
*Edwin Ridge*, Exeter, out of business.  
*John James Dunn Oland*, Bristol, out of business.  
*Joseph Topham*, Bristol, linen draper's assistant.  
*Herrman Marks*, King's Lynn, Norfolk, jeweller.  
*John Hill*, jun., Norwich, grocer.  
*James Sly*, Norwich, baker.  
*David Jones*, Kendal, Westmorland, licensed minister.  
*Thomas Wardle*, Birkenhead, Cheshire, attorney at law.  
*H. O. Stutely*, Cambridge-terrace, Regent's-park, solicitor.  
*James Mullins*, Baldwin-street, City-road, Middlesex, commission town traveller.  
*Robert Pitcher*, sen., Paris-street, Stangate, Lambeth, Surrey, collector of tolls.  
*Kitty Bennett*, Christleton, Cheshire, widow, out of business.  
*Charles Gill*, Manchester, tea-bread maker.  
*Michael Russell*, Idlesleigh Parsonage-house, Idlesleigh, Devonshire, out of business.  
*Mary Brookes*, Liverpool, in the management of a victualler's business.  
*Harriett Brookes*, Liverpool, in the management of a victualler's business.

#### INSOLVENT DEBTORS.

*Saturday, Dec. 2.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*John Watson*, Slack-farm, Brierciffe, near Burnley, Lancashire, labourer, No. 63,732 C.; *James Robertshaw*, assignee.—*Thomas Harold*, West-place, Islington-green, Middlesex, builder, No. 55,823 T.; *Stephen Rogers*, assignee.

#### FRIDAY, DECEMBER 8.

##### BANKRUPTS.

*HENRY CONGREVE*, Batten's-terrace, High-street, Peckham, Surrey, dealer in patent medicines, Dec. 21 at half-past 1, and Jan. 26 at half-past 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sol. Wells, Skinner-street, Snow-hill.—Fiat dated Nov. 23.

*WILLIAM COX*, Daventry, Northamptonshire, money scrivener, Dec. 19 at half-past 12, and Jan. 19 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Pell, Welford, Northamptonshire; Hall & Mourilyan, 2, Verulam-buildings, Gray's-inn.—Fiat dated Dec. 6.

*JAMES BOHN*, King William-street, St. Martin-in-the-fields, Middlesex, bookseller, Dec. 22 at half-past 2, and Jan. 16 at 2, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Offley, 24, Henrietta-street, Covent-garden.—Fiat dated Dec. 4.

*ANN WALES*, Spring-street, Shadwell, wood splitter, and Old Gravel-lane, Wapping, Middlesex, plumber, painter, and glazier, Dec. 19 at 2, and Jan. 17 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Masterman, 6, Hind-court, Fleet-street.—Fiat dated Dec. 2.

THOMAS BAUGH, Anchor-street, Bethnal-green, Middlesex, silk manufacturer and clothier, Dec. 22 at 1, and Jan. 18 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Hudson, Bucklersbury.—Fiat dated Nov. 30.

BARON REYNOLDS, Phipps-bridge, Mitcham, Surrey, silk printer, Dec. 22 at half-past 11, and Jan. 16 at half-past 1, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Young & Son, 29, Mark-lane.—Fiat dated Nov. 30.

THOMAS RAWLINGS, Cheltenham, Gloucestershire, auctioneer, appraiser, and upholsterer, Dec. 22 at 2, and Jan. 19 at 11, District Court of Bankruptcy, Bristol: Off. Ass. Morgan; Sols. Badham & Houghton, Gray's-inn.—Fiat dated Nov. 29.

DAVID HAGUE, Horsforth, Guiseley, Yorkshire, paper manufacturer, Dec. 21 and Jan. 13 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Fearn; Sols. Bradley, Leeds; Sudlow & Co., Chancery-lane, London.—Fiat dated Dec. 1.

THOMAS BENTLEY, Rawdon, Yorkshire, cloth manufacturer, Dec. 22 and Jan. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Young; Sol. Blackburn, Leeds.—Fiat dated Dec. 4.

JAMES HAYES, Taunton, Somersetshire, innkeeper, Dec. 21 at 2, and Jan. 11 at 11, District Court of Bankruptcy, Exeter: Off. Ass. Hernaman; Sols. Rossiter, Taunton; Turner, Exeter; Galsworthy & Nichols, Cook's-court, London.—Fiat dated Nov. 30.

JOHN DYSON, Abbey Dale-works, Sheffield, Yorkshire, scythe manufacturer, Dec. 20 and Jan. 24 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. Haywood & Bramley, Sheffield; Smith, Sheffield.—Fiat dated Nov. 30.

#### MEETINGS.

Matthew Wilcock, Huddersfield, Yorkshire, merchant, Jan. 10 at 11, District Court of Bankruptcy, Leeds, pr. d.—*Wm. Dickenson*, Abbey-hill, Bexley, Kent, and Mill-wall, Poplar, Middlesex, merchant, Dec. 19 at half-past 1, Court of Bankruptcy, London, last ex.—*James Hill*, Durham, grocer, Dec. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*John William Harrison*, Stockton-upon-Tees, Durham, Dec. 20 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Henry Griffiths*, Chelford, Cheshire, innkeeper, Dec. 22 at 12, District Court of Bankruptcy, Manchester, last ex.—*John T. Blake*, Southminster, Essex, grocer, Jan. 5 at 12, Court of Bankruptcy, London, aud. ac. and div.—*T. Skinner*, Dorking, Surrey, butcher, Jan. 3 at 1, Court of Bankruptcy, London, aud. ac. and div.—*Endersby Laughton*, Wisbech St. Peter's, Cambridge, brewer, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.—*James Percival*, jun., Whitechapel-road, Middlesex, soap maker, Jan. 5 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Jos. Masters*, jun., Witney, Oxfordshire, innkeeper, Jan. 5 at 11, Court of Bankruptcy, London, aud. ac.—*W. Hoole*, Sheffield, Yorkshire, leather dresser, Jan. 9 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Jan. 13 at 11, div.—*Benj. Sayle* and *Thos. Booth*, Park Iron-works, Sheffield, and Tinsley-park, Rotherham, Yorkshire, Jan. 9 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Jan. 13 at 11, div. sep. est. *T. Booth*.—*Wm. Edwards* and *Geo. Walker*, Chester, nurserymen, Dec. 29 at 12, District Court of Bankruptcy, Liverpool, aud. ac.; Jan. 2 at 11, div.—*C. Humberston* and *S. Frodsham*, Liverpool, commission merchants, Dec. 29 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*E. Massey* and *Richard Lambert*, Watling-street, London, warehousemen, Jan. 5 at half-past 12, Court of Bankruptcy, London, div.—*Thos. Chapman*, Tottenham-court-road and Grove-farm, Kentish-town, Middlesex, dairyman, Jan. 12 at half-past 1, Court of Bankruptcy, London, div.—*Sam. Jos. Clegg* and *John Whitby*, Liverpool, merchants, Dec. 29 at 11, District Court of Bankruptcy, Liverpool, div.—*Wm. Swan*, jun., Liverpool, merchant, Jan. 2 at 1, District Court of Bankruptcy, Liverpool, div.—*Thomas Abell*, Nottingham, lace manufacturer, Jan. 8 at 11, District Court of Bankruptcy, Birmingham, div.—*Wm. Jas. Holt*, Grantham, Lincolnshire, tea dealer, Jan. 10 at 11, District Court of Bankruptcy, Birmingham, div.

#### CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

Thos. Wm. Harder, Fenchurch-street, London, chemist, Dec. 29 at 12, Court of Bankruptcy, London.—*Fred. Pryor*

Everett, Reading, Berkshire, draper, Dec. 29 at half-past 12, Court of Bankruptcy, London.—*David Duncan*, Derby, engineer, Jan. 4 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Dec. 29.

George Strassbridge, Bristol, builder.—*John W. Carleton*, Upper George-street, Bryanstone-square, Middlesex, bookseller.—*Chas. Pearvall*, Anderton, Cheshire, boiler maker.—*A. Davis*, Tottenham-court-road, Middlesex, dealer in glass.—*E. Smith*, Lawrence-lane, Cheapside, London, warehouseman.—*Matthew Potter*, New Bond-street, Middlesex, haberdasher.—*Wm. Heap*, John Roberts, and *Wm. Roberts*, Padiham, Lancashire, cotton spinners.—*George Wm. Travis*, Sheffield, Yorkshire, joiner and builder.—*John Gollop*, David Redmond, and *Thomas Kingnorth*, Charles-street, City-road, Middlesex, iron founders.—*George Collee*, Farnham, Surrey, shoemaker.—*Wm. M. Smith*, Strand, Middlesex, upholsterer.—*John Kilvert*, Manchester, calico merchant.—*Henry Stutard*, Manchester, and Clitheroe, Lancashire, cotton manufacturers.

#### PARTNERSHIPS DISSOLVED.

Joshua Thomas Richardson and *Jas. Smith Clarke*, Leeds, attornies and solicitors.—*George Blake*, Carlton-chambers, Regent-street, and *Henry Beaumont*, Warwick-chambers, Warwick-street, Regent-street, solicitors.

#### SCOTCH SEQUESTRATIONS.

John Macrae, Leck of Rasay, Isle of Skye, Invernesshire, farmer.—*Thomas M'Queen*, South Queensferry, lime burner.

#### DECLARATIONS OF INSOLVENCY.

Abraham Butcher, Dartford, Kent, butcher.  
M. Dean, Chorlton-on-Medlock, Lancashire, monthly nurse.  
Henry M. Darke, Bristol, hatter.  
James Brett, Birmingham, brass founder.  
John Poynter, Little Ormond-yard, St. George the Martyr, Middlesex, coach maker.  
Joel Redfern, Ecclesfield, Yorkshire, file manufacturer.  
Rich. T. Bowtell, Commercial-road, Lambeth, green grocer.  
Henry Hodges, Bridge-street, Southwark, Surrey, saddler.  
Robert Davies, Wakefield, Yorkshire, brazier.  
John Jakes, Peterborough, Northamptonshire, nurseryman.  
Francis Stephens, Painswick, Gloucestershire, hallier.  
Wm. Nelson Procter, Chorlton-upon-Medlock, Lancashire, salesman.  
James Blackburn, Liverpool, floor-cloth manufacturer.  
Samuel Colenso, Penzance, Cornwall, painter.  
Wm. Dutton, Bromsgrove, Worcestershire, butcher.  
John Patchett, Manchester, wire drawer.  
James Armstrong Day, Liverpool, surgeon.  
George Neaby, Birmingham, commercial clerk.  
G. Chapman, Nicholls-square, Cripplegate, out of business.  
James Robert Smith, son., Merton Abbey, Merton, Wimbledon, Surrey, silk printer.  
James Curden, West Honthly, Sussex, blacksmith.  
Wm. Jones, Woodside, Cheshire, master mariner.  
James Bryer Ash, High Holborn, Middlesex, carpenter.  
Peter Kirby, Oxford, baker.  
Joseph Thomas Walls, Little Charlotte-street, Blackfriars-road, Surrey, hair-dresser.  
James Newman, Bath, Somersetshire, licensed brewer.  
William Mobley, Oxford, butcher.  
James Parkin Fryer, Montpelier-row, Old Brompton, Kensington, licensed victualler.  
Myer Moses, Charlotte-street, Old-street-road, St. Luke's, Middlesex, furrier.  
Jos. B. Fuller, Teunbury, Worcestershire, attorney at law.  
Joseph Walker, Oxford, milkman.  
William Charles Cole, Guildford-street, Southwark, Surrey, cabriolet proprietor.

#### INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Dec. 29 at 9.

Sir Jos. A. Douglas, Knt., Cambridge-terrace, Hyde-park, Middlesex, out of business.—*Rich. Peine*, son., Brompton, Middlesex, general agent.—*Jean B. Verner*, Great Mary-lebone-street, Cavendish-square, Middlesex, commission-agent.—*Isaac Day*, Drury-lane, Middlesex, out of business.—*John Sykes*, Manor-place, Waltham-road, Surrey, instructor in the Royal Navy, on half-pay.—*Hon. J. Newark*, Conduit-street, Bond-street, Middlesex, out of business.—*Sam. L. Townsend*,

St. John's-wood-terrace, Circus-road, Regent's-park, Middlesex, surgeon.—*Jos. Wiggett*, Cross-street, Upper-street, Islington, Middlesex, green-grocer.—*Chas. Noice*, Tooley-street, Southwark, Surrey, tailor.—*Jos. Jonas*, New Compton-street, Soho, Middlesex, dealer in drapery.—*Sam. Winslet*, Crofton-terrace, New Richmond, Surrey, market gardener.—*John Frith*, Little Chester-street, Belgrave-square, Pimlico, Middlesex, chemist.

Dec. 30, at the same hour and place.

*James Key*, Great Prescott-street, Goodman's-fields, Middlesex, blacking manufacturer.—*Andrew Miller*, Merion-lance, Goldsmith's-road, Hackney-road, Middlesex, servant.—*J. Bartlett*, Kingston, Surrey, out of business.—*Jas. Hen. Shaw*, Castle-street East, Oxford-street, Middlesex, traveller and collector for a brewer.—*Jas. George*, Wells-street, Gray's-inn-road, Middlesex, tailor.—*Edmund B. Smith*, Skinner-st., Somers'-town, Middlesex, draper.—*Henry Andrews*, sen., Foley-place, Great Portland-street, Mary-le-bone, Middlesex, coach maker.—*Thomas Skinner*, Boston-place, Boston-street, Dorset-square, Middlesex, gentleman's coachman.—*Frederick Wilkinson*, Canterbury-place, West-street, Walworth, Surrey, indigo broker.—*Thos. Cooper*, Moulsham, Chelmsford, Essex, dealer in horses.—*T. V. Wydroff*, Bury-st., St. James's, Middlesex, patentee of a new system of railway constructions.—*George Clare*, Royal-street, Stangate-street, Lambeth, Surrey, assistant to a licensed victualler.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Wm. Moizer*, Halton, Lancashire, farmer, Dec. 10, Rev. Mr. Mackreth's: 2s. 6d. in the pound.

#### MEETING.

*Sam. Beard*, sen., Ramsey, Huntingdonshire, Dec. 26 at 12, Watts's, St. Ives, sp. aff.

**GENTLEMEN CALLED TO THE BAR.—MIDDLE TEMPLE.—**  
Nov. 24.—The following Gentlemen were called to the degree of Barrister at Law by the Honorable Society of Middle Temple:—*James Sheen Dowling*, *Joseph Moseley*, *George Frederick Fowle*, *Robert Mackintosh Isaacs*, *William Joseph Amherst*, *Robert George Stapylton*, *John Christian Cowley*, *John Newberry George*, *Alfred Francis Blount*, *William Langford Foulkes*, *John Angus Homes*, *Nathaniel Forte*, *George Herbert*, *William Henry Adams*, and *Nicholas Charles Radiger*, Esqrs.

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# The Jurist

No. 362.

LONDON, DECEMBER 16, 1843.

PRICE 1s.

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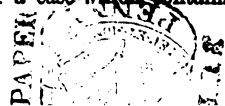
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LONDON, DECEMBER 16, 1843.

It has been made a source of constant reproach to the English lawyers, not merely by the uninformed laity of their own country, but by the most accomplished foreign jurists, that they rely, in the formation and application of their code, too much upon precedents, and too little upon principle. We are not of those who coincide with the censure to its full extent, or think that legal decisions should always be dictated by reference to the broad principles of a code. We fully acquiesce, on the contrary, in the doctrine, that, to import into the consideration of litigated questions, the reasoning and authority of adjudged cases, is highly convenient for the administration of justice. But it must be remembered, that the principle upon which the utility of relying on adjudged cases rests, is, firstly, the great practical advantage to a people, whose complicated transactions bring infinite varieties of questions upon the rights of property into discussion, of having some certain rules for their guidance; and, secondly, the extraordinary waste of time and mental application which would result among such a people, from the contrary practice of discussing all the reasoning of every new case, in order to ascertain under which of the principles or general rules of a code it is to be classed.

It is plain, however, that, in the application of such a practice, lawyers can scarcely fail to have a tendency to lose sight of the first of its objects, which is the convenience of the people, and to consider far too much the second, which affects principally their own. No doubt it is, at all times, easier and more time-saving for a judge to determine a case upon its similarity to some previously determined case, than to apply his mind to the dissection of the case before him, for the purpose of determining it upon principle; and no doubt, also, it is much more pleasant to counsel, to be able (relying on

the rule and practice of the bench for their security) to advise clients upon the authority of a decision, than to find out the rule on which a decision ought to be made. But hence arises, in both, a fatal tendency to the too facile adoption of anything as authority, however contrary it may be to common sense or legal principle, provided only it be, or purport to be, a judicial determination. Hence has arisen that practice, which we think may justly expose us to the censure and ridicule of foreign jurists, and, indeed, of most rational men, of using as authorities manuscript cases, that may have been dormant for years, and are only brought forward to declare the law, when, perhaps, endless transactions have been entered into in total ignorance of the rule that they contained. Against this being a practice sanctioned by the law of England, we could wish that the whole profession would raise its voice. There is not one amongst us who has not at some time or other seen a case, argued with all the labour and learning that the most experienced counsel could bring to bear upon it, determined without the slightest reference to any of the arguments or cases thus brought before the court, on the authority of some unreported case, dug out of the tomb of an almost forgotten note-book, and produced by some ambitious amicus curiæ, (or possibly by some hoarder of curious learning on the bench itself), which not only the profession generally did not know, but could not in any human probability know; and that, simply, because its owner had no interest to make it known, or had, perhaps, wholly forgotten it, until the occurrence of the point opened to him the opportunity of exhibiting his secret treasure, and to the bench the high gratification of escaping all difficulty under cover of a case. Well might a late eminent juridical writer ask, with reference to these dormant cases, "Is a judge to say, 'Lo! I have the law of England on the point in my pocket. There is a note of a case which contains an



exact statement of the whole facts, and the decision of my Lord A. or my Lord B. upon them. He was a great, a very great man. I am bound by decision. All you have been reading was erroneous. The printed books are inaccurate. I cannot go into principle. The point is settled by this case?"

A case of this sort has lately occurred in the Exchequer, on the subject of which, we shall probably, in a future number, endeavour to collect the law. In *Abbey v. Patch*, (8 Mee. & W. 419), it was held, that where a farm tenant is under covenant not to carry off the premises the hay and straw made on the farm, the landlord, who has seized the hay and straw under a distress, may sell it, subject to a condition that the purchaser shall consume it on the premises. In *Frusher v. Lee*, (10 Mee. & W. 709), which was determined on another point, the authority of *Abbey v. Patch* was denied, not on the ground of its being against principle, (although that ground was argued), but because of an unreported case of *Jones v. Hamp*, which was so utterly unknown, that neither the bar nor the bench were aware of its existence in *Abbey v. Patch*.

We refer to this, not as an isolated instance, but merely as the latest, and one of those in which the absurdity of the rule stands forth with the least possible disguise. Of what use at all are precedents and reports of cases, except as a guide to the lawyer, and through him to the people? And what manner of guides are reports which are liable to fall before the authority of a MS. note, starting up of a sudden into existence, as if for no other purpose than to prove, that all the profession has been for so many years mistaking the law?

Who, indeed, under such a system of blind idolatry of mere authority, unaccompanied by those collateral qualifications which constitute its practical value, can ever feel assured that his utmost industry will enable him to guard a client against mistake? And what judge can ever take delight in devoting his faculties to the establishment of legal principles, if, in the first doubtful case in which they might find an application, the results of his most painful research and his utmost exertion of intellectual power, may be demolished in an instant by the mischievous interference of some officious note-taker?

Surely it would advance more the cause of sound learning and justice, that is, of certainty in the rules by which the people are to be guided, if nothing were treated as of authority that was not accessible to the profession at large, either in published reports or other carefully executed works, or in the official records of the courts. Then, at least, industrious research might afford to the painstaking lawyer some guarantee that his opinion might be relied upon; and then, in cases where there is a conflict of authorities, we might have a more frequent chance of seeing the law settled, as a future guide, by a large and enlightened exposition of principles, instead of obtaining a wholly uninformative decision, pronounced merely because, on some preceding occasion, some other case has been decided which no one, at the time, thought worth reporting.

The case referred to in our leading article of last week (*Sutton v. Temple*, reported ante, 1065) appears to us to be open to some observations with reference to the

legal grounds of decision in it. It seems to have been considered, both in argument and by the court, only in one point of view, viz. whether a demise of land carries with it an implied warranty that the land is to be fit for the purpose for which it is taken by the tenant, and no question was raised on the ground of misdescription of the premises, a view of the case which we should have expected to be discussed. The contract was, as our readers will recollect, for "twenty-four acres of eddish," which, it seems, means "eatage" for a given term and for a given rent;—so that the contract was not for land generally, but for land of a peculiar description, viz. for twenty-four acres of land covered with or bearing eatage or food for cattle. It turned out that considerable quantities of old refuse paint were scattered among the eatage, whereby the defendant's cattle were poisoned, so that, in fact, there were not twenty-four acres of eatage, but twenty-four acres, partly of eatage and partly of something which not only was not eatage or food for cattle, but precisely its opposite in effects. That the case was open to be considered as involving a question of misdescription of the thing contracted for, can scarcely, we apprehend, be doubted, if we carry the terms of it a little further, without altering it in kind. Suppose, for instance, the land had not been pasture land at all, but land wholly covered with sand or with stones; it can scarcely be contended, that a party contracting for a demise of twenty-four acres of eatage, could have been bound to remain tenant of twenty-four acres of stones. There might, no doubt, be, in such a case as *Sutton v. Temple*, a question, whether the intermixture of noxious material not eatage, with the eatage, would be sufficient to constitute such a misdescription of the premises contracted for, as would avoid the contract; in other words, it might be matter of evidence, whether, according to the general understanding of the terms used in the contract, twenty-four acres of land covered with grass, so mixed with poisonous matter, that a considerable portion of it had none of the properties of food, were properly described by the words "twenty-four acres of eatage." But there was, at any rate, ground, as we apprehend, for entertaining the question, whether the defendant was bound, not on the ground of any implied warranty by the lessor, that the land should be fit for the purpose for which the lessee wanted it, but, on the ground of the premises sold not being the premises designated and described in the contract. All the learned judges appear to have felt some difficulty in coming to the decision they did, consistently with the case of *Smith v. Marrable*; and this difficulty seems perfectly intelligible. *Smith v. Marrable* was, as will probably be recollected, a case in which it was held, that an agreement for the hire of a ready-furnished house might be repudiated by the lessee, on the ground of the house being so infested with bugs, that it was impossible to live in it with reasonable comfort; but Abinger, C. B., and Parke, B., distinguished that case from *Sutton v. Temple*, on the ground, that, in the former case, the contract was of a mixed nature, partly for goods and partly for the hire of a house—for the use of a house and furniture, whereas *Sutton v. Temple* was a contract for land merely. The ground of the distinction thus pointed out by these learned judges is certainly

not to be found in the report of *Smith v. Marrable*, in which Parke, B., said the case involved the question, whether, in point of law, a person who lets a house must be taken to let it under the implied condition, that it is in a state fit for decent and comfortable habitation. And again, in another part, he says, "These authorities appear to me fully to warrant the position, that, if the demised premises are incumbered with a nuisance of so serious a nature that no person can be reasonably expected to live in them, the tenant is at liberty to throw them up; and in no part of his Lordship's observations is anything to be found which would have led one to suppose, that he was not addressing himself generally to the case of a demise of at least any house. The Lord Chief Baron speaks, it is true, of the implied warranty with reference to *ready-furnished houses*, but does not otherwise intimate that his judgment depended upon the fact of the contract being of a divided character. It is indeed most difficult to conceive how any such principle could have governed that case; for on the face of the contract itself it did not appear even that the house was a furnished house, and there was no evidence of any kind to shew that the contract related more particularly to the chattels than to the house. The contract was, in fact, simply for the possession or use of a house, which it appears was a furnished house, and the ground of treating the contract as invalidated was, according to the report, that, propter the bugs, the lessee could not have the possession or use intended by the contract. In what, it may be asked, does such a case differ from that in which the contract is for the possession of land furnished with grass, where, propter certain poisonous paint intermixed with the grass, the lessee cannot have the possession or use intended—that is, the use not of the land only, but of the land and grass? It seems to have been assumed, indeed, throughout, in *Sutton v. Temple*, and so the judges took it, that the case made by the defendant was, that he had a right to require that the eddiah or pasturage should answer its purpose—that is, that it should be proper and good grass; for, although the court spoke of the demise as a mere demise of land, yet it is plain, from some of the expressions of the learned judges, that they must have considered the contract as, in some sense, a contract for land, with a vesture of grass of some kind. Now, if the defendant was obliged to put his case so high, as to say that he was entitled to perfectly good, we would not venture upon these observations on the decision to which the learned judge arrived. But if, as we submit, his case was not that—if it was not necessary for him to shew that he had a right to require entire fitness in that which he purchased, for the purpose for which he purchased it, but simply that what he purchased should be the thing that, upon the true construction of the agreement, he had contracted to purchase; in other words, if his case was, that, whether he had a right to good eatage or not, he had at least a right to twenty-four acres of eatage of some quality, and not to twenty-four acres partly of eatage and partly of refuse paint, then it may be doubted, whether, in *Sutton v. Temple*, the case so presented itself to the minds of the learned judges, as to receive a complete consideration. If this case is to be treated as one of misdescription, there are not wanting cases which appear to be in conflict with it. (See

*Dyer v. Hargrave*, 10 Ves. 505, and the other cases on this subject, collected in Sir E. Sugden's *Vendors & Purchasers*).

#### REMARKS ON THE ACT FOR THE IMPROVEMENT OF THE LAW OF EVIDENCE SO FAR AS IT RELATES TO THE EXAMINATION OF PARTIES TO THE SUIT IN EQUITY.

(Continued from p. 432.)

We proceed to the second question; namely, how far, consistently with the principle upon which the statute is founded, its provisions should have extended to render the evidence of parties to a suit in equity admissible.

There was nothing in the character or condition of a party to a suit or action, which (abstracted from all considerations of bias on account of any interest in the result of it) rendered him an incompetent witness. It was the mere fact of his being subject to such bias that brought him within the absurd rule of evidence which the statute has abolished. Thus, Chief Baron Gilbert says, "The plaintiff or defendant cannot be a witness in his own cause; for these are the persons who have a most immediate interest; and it is not to be presumed, that a man, who complains without cause or defends without motive, should have honesty enough to confess it." (Gilb. Ev. 4th ed. 130). "No case," says Chief Justice Tindal, "has been cited, nor can any be found, in which a witness has been refused upon the objection in the abstract that he was a party to the suit; on the contrary, many have been brought forward in which parties to the suit, who have suffered judgment by default, have been admitted as witnesses; and the only inquiry seems to have been, whether the party called was interested in the event or not; and the admission or rejection of the witness has depended upon this inquiry." This remark will apply with equal, if not greater force, to proceedings in equity. If there is any principle to support the dictum, that a person shall not be compelled to give evidence against himself, surely that can have no place in the court of equity, where the very essence of the suit consists in the power that one party has of extracting from the other party all such evidence relating to the case of the former as the latter may possess. Assuming, then, that there exists in a party to the suit no incapacity *quâ* party, we say that the inconsistency and defectiveness in the provisions of the statute will be apparent. It removes the objection to competency on the score of interest, but it takes care that its provisions shall not render competent any party to any suit, action, or proceeding, individually named in the record; and this proviso is followed by the clause which makes an exception in the case of a defendant in a suit in equity, who may be examined by a plaintiff or a co-defendant. But this exception extends no further. A plaintiff is not rendered a competent witness for a co-plaintiff, nor for a defendant; neither, we apprehend, is a prochein amy rendered a competent witness for a plaintiff. On the other hand, there being nothing in the act to render the plaintiff or prochein amy incompetent, the rule with respect to their testimony must remain as it was before the act was passed. That rule may be simply stated, thus:—A co-plaintiff and a prochein amy, although they had no direct interest in the subject of the suit, were incompetent witnesses for a plaintiff on account of their liability for costs; and the only mode in which a plaintiff could avail himself of their testimony was by striking out their names, and by making the former a defendant, and substituting another person for the

\* *Worrall v. Jones*, (7 Bing. 396, 398); *Pipe v. Steel*, (Q. B., Jan. 1842; cited 1 Phill. Ev. 9th ed. 49).



latter—in each case giving security for costs. A defendant cannot examine a plaintiff without his consent, but he may examine a prochein amy. The act affirms the principle, that the inquiry after truth ought not to be obstructed by the incapacity of witnesses arising out of their interest in the subject of the suit, and, at the same time, by continuing the existence of the last-mentioned rule, practically negatives that principle. It may be said, that a different rule ought to be applied to the examination of a plaintiff as a witness, inasmuch as the defendant may file a cross-bill against him for discovery. But the reply to this objection is obvious. If the answer to a bill for discovery should supersede the necessity of examining the defendant as a witness, why, in any case, give the plaintiff (whose bill should extend as well to discovery as to relief) the power of examining the defendant? Moreover, admitting the bill for discovery to be a full equivalent for the power of examining the plaintiff as a witness, may it not frequently happen that the plaintiff is the depository of a single simple fact, which, though material to the defendant's case, will not justify his calling in aid the expensive and cumbrous machinery of a cross suit? Again, it may be said, that a plaintiff may at all times make his co-plaintiff a defendant, and thus extract from him such discovery as he may require. But the answer of a defendant is not evidence against a co-defendant, and a fact in his exclusive knowledge can only be established, as against others, by his examination as a witness, upon which an opportunity of cross-examining him shall have been given. Besides this, there manifestly may be an inconvenience in converting a plaintiff into a defendant, (suppose, for instance, after replication filed, it is discovered that one of the plaintiffs is the only witness to an important fact), and when he is so converted, he is still the same person, and has the same interest in making a perfect case against the other defendants; he is still, in substance, a plaintiff, although the "versus" precedes instead of follows his name. It is a mere contrivance, and a clumsy and expensive one too, for doing that indirectly, which might, in accordance with the principle upon which the act proceeds, be much better done directly, whilst it affords a specimen of the prejudice with which our law reformers cherish the relic of an error, which, although they condemn, they seem unwilling altogether to destroy. Still, the case of the prochein amy remains untouched. It is very easy to suppose cases, in which it would be much to the interest of the infant plaintiff that a particular person should have the management of the suit on his behalf. But if that person should happen to be the sole depository of a fact, the proof of which is essential to the plaintiff's case, the only question will be, which of the two advantages—the appointment of that person to the office of prochein amy, or his examination as a witness—shall be ensured, for it is conceived that one of them must be given up. It may be urged that a prochein amy cannot be considered a party to the suit individually named in the record. We have assumed the contrary. But, at all events, we think it cannot be said, that the question is free from all possibility of doubt; if not, then it must be classed with those points which we have already referred to as being, by the chary silence of the act, left open to subterfuge and misconception.

We maintain, then, that the statute ought, consistently with the principle upon which it is founded, to have given all parties to the suit the power of reciprocal examination. That it is impossible to establish any real difference between the examination of a defendant by a plaintiff or a co-defendant, and the examination of a plaintiff by a co-plaintiff or a defendant. That there is no objection to the one case that does not equally and in like manner affect the other; no principle which can supply any objection to either case, except that ab-

surd one which has been exploded by the act itself. That the effect of the act, so far as it relates to the question now under consideration, is simply this: by the clause which declared that the evidence of the parties interested shall be admissible, a new, simple, and rational principle of evidence is laid down,—by the clause which provides, that it shall not be extended to render competent any party to any suit individually named in the record, that principle is pro tanto nullified;—and, finally, by the clause which sanctions the examination of a defendant, it is again, pro tanto, re-established. Or, substituting dry symbols for the perplexing provisions of the act, the rule may be thus expressed: all A shall be B; but some A, i. e. C, shall not be B, yet some C, i. e. D, shall be B. In this respect the act certainly does appear to us to savour of inconsistency; and, if it were not for the opinion of the learned Lord above quoted, we should point to it as an oversight or omission, or possibly class it amongst those difficulties which his Lordship asserts that the statute "has most satisfactorily overleapt." Under these circumstances, we think it would be disrespectful in us to suppose that any blunder can have crept into this page of our statute-book. We must assume that the points which we have alluded to have undergone consideration; that a distinction was perceived by the wisdom of the Legislature, which, to our weaker eyes, it must be owned, is imperceptible; that, as in the life of a politician, so in the provisions of an act of Parliament, that which takes the shape of inconsistency is not necessarily inconsistent; and we must be content to lie down in our ignorance, and rest satisfied with the assurance that our times have produced a law more perfect, and more consistent with itself, than any which the last thirty volumes of the Statutes at Large can boast, patiently awaiting the hour when its perfection shall be practically made manifest to us. In the meantime, we are not without an humble, though perhaps delusive, hope, that its theoretical inconsistency will become apparent to others, before those upon whom it is to be tried shall have been made to feel any practical inconvenience.

### London Gazette.

TUESDAY, DECEMBER 12.

#### BANKRUPTS.

- JOSEPH CUNDY, Ranelagh-street, Pimlico, Middlesex, carpenter and builder, Dec. 21 at 12, and Jan. 19 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sol. J. & W. Meymott, 86, Blackfriars-road, Surrey.—Fiat dated Dec. 1.
- JOHN HARMAN, Meadow-bank Brewery, Whitefriars, London, and Meadow-bank Brewery, Edinburgh, Scotland, and Chester-square, Middlesex, common brewer, Dec. 19 at half-past 11, and Jan. 19 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Rickards & Walker, Lincoln's-inn-fields.—Fiat dated Dec. 9.
- WILLIAM STINTON, Duke-street, Grosvenor-square, Middlesex, cook and confectioner, Dec. 27 at 1, and Feb. 6 at 11, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Cooper, 9, Old Cavendish-street, Oxford-street.—Fiat dated Dec. 5.
- ZACHARIAH PARKES and ROBERT HENDERSON, Duke-street, Lincoln's-inn-fields, Middlesex, and Ventnor, Isle of Wight, Southampton, carpenters and builders, Dec. 27 at 2, and Feb. 6 at 12, Court of Bankruptcy, London: Off. Ass. Johnson; Sols. Hicks & Brackenridge, Bartlett's-buildings, Holborn.—Fiat dated Dec. 1.
- DAVID ROWLANDS, Pwllheli, Carnarvonshire, dealer in wines, ale, spirits, and porter, and watch maker, Dec. 23 and Jan. 26 at 12, District Court of Bankruptcy, Liverpool: Off. Ass. Casenove; Sols. Toulmin, Liverpool; Norris & Co., 19, Bartlett's-buildings, Holborn, London.—Fiat dated Oct. 24.

**JOSEPH JUKES**, West Bromwich, Staffordshire, nail manufacturer, and Rowley Regis, Shropshire, coal master, Dec. 19 at half-past 11, and Jan. 23 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Stubbs & Rollings, Birmingham.—Fiat dated Dec. 6.

## MEETINGS.

*Jesse Bridgman* and *Wm. Dryland*, Upper Chapman-st., St. George's East, Middlesex, tallow melters, Dec. 22 at half-past 1, Court of Bankruptcy, London, pr. d.—*H. H. Hoskins*, John-street, Bedford-row, lodging-house keeper, Jan. 4 at half-past 1, Court of Bankruptcy, London, aud. ac.—*Thomas M. Morton*, Bishopsgate-street Within, London, eating-house keeper, Jan. 4 at 1, Court of Bankruptcy, London, aud. ac.—*James Judd* and *Wm. Judd*, Romsey, Southampton, mealmen, Jan. 4 at half-past 12, Court of Bankruptcy, London, aud. ac.—*Thomas Fortune*, King's-cross, Battle-bridge, Middlesex, cabinet manufacturer, Jan. 4 at 12, Court of Bankruptcy, London, aud. ac.—*Henry Jones*, Canterbury, victualler, Jan. 4 at 11, Court of Bankruptcy, London, aud. ac.—*John Woollams*, St. Alban's, Hertfordshire, silk throwster, Jan. 4 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Joseph Francis Sporer*, St. James's-street, Piccadilly, Middlesex, tailor, Jan. 19 at half-past 11, Court of Bankruptcy, London, aud. ac.—*Richard Parker*, Deptford-row, Rotherhithe, Surrey, linen draper, Jan. 19 at 11, Court of Bankruptcy, London, aud. ac.—*Geo. Cleverley*, Calne, Wiltshire, builder, Jan. 11 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 12 at 11, div.—*Wm. Nash*, Oldbury, Shropshire, grocer, Jan. 8 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 11 at half-past 11, fin. div.—*W. Mills*, Birmingham, upholsterer, Jan. 9 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 10 at half-past 12, div.—*Geo. Harvey*, Handsacre, Staffordshire, cider merchant, Jan. 9 at 11, District Court of Bankruptcy, Birmingham, aud. ac.; Jan. 10 at half-past 11, div.—*Thos. Smallwood*, Drayton in Hales, Shropshire, banker, Jan. 10 at 12, District Court of Bankruptcy, Birmingham, aud. ac. and pr. d.—*Henry Wm. Hobhouse*, J. Phillott, and C. Lowder, Bath, Somersetshire, bankers, Jan. 4 at 11, District Court of Bankruptcy, Bristol, fin. div.—*Wm. Cooper*, Kidderminster, Worcestershire, carpet manufacturer, Jan. 5 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Thos. Farris*, East-st., Manchester-sq., Middlesex, baker, Jan. 2 at 2, Court of Bankruptcy, London.—*John Brooker*, Southampton-row, Bloomsbury, Middlesex, carver and gilder, Jan. 2 at half-past 12, Court of Bankruptcy, London.—*John Murray* and *Wm. Brown*, Liverpool, millwrights, Jan. 2 at 1, District Court of Bankruptcy, Liverpool.—*Robert T. Abbott* and *Alf. T. Tebbett*, Birmingham, tea dealers, Jan. 6 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 2.

*Eden Pritchard*, Llanrwst, Denbighshire, shopkeeper.—*Wm. Hoole*, Sheffield, Yorkshire, leather dresser.—*Charles Clarke*, Liverpool, wool dealer.—*Hen. Pearson*, York, attorney at law.—*Joseph Taylor*, Middlesbrough, Yorkshire, coal fitter.—*Benj. R. Broadbent*, Spotland, Rochdale, Lancashire, flannel manufacturer.—*Jas. Helling*, Rugeley, Staffordshire, brewer.—*Joe. Robson* and *Thos. Rich. Robson*, St. Martin's-lane, Middlesex, organ builders.—*Wm. Burton*, Hutton, near Rudby, Yorkshire, miller.

## SCOTCH SEQUESTRATIONS.

*James White*, Peebles, carpenter.—*John Bisset*, Inverness, merchant.—*David Smith*, Dundee, flax spinner.—*Jas. Henderson*, Brechin, baker.—*A. Murray*, Edinburgh, merchant.—*P. Crickton*, Bankfoot, Auchtergaven, Perthshire, weaver.

## DECLARATIONS OF INSOLVENCY.

*Rich. Taylor*, South Bruton-mews, Berkeley-sq., Middlesex, gentleman's coachman.  
*Henry Castle*, Tranquil-valle, Blackheath, Lewisham, Kent, linen draper.  
*Wm. Beveligh*, Middleton-road, Dalston, Hackney, Middlesex, commission agent.  
*Wm. Vaughan*, Nelson-street, Hackney-road, Bethnal-green, Middlesex, out of business.  
*Joseph Warr*, Chard, Somersetshire, carpenter.

*Eliza M. Hague*, Duke-street, Piccadilly, Middlesex, out of business.

*James East*, Essex-street, Hoxton Old-town, Middlesex, cabinet maker.

*Thomas Smith*, Liverpool, coach maker.

*M. Williams*, Merthyr Tydfil, Glamorganshire, grocer.

*Thos. Hen. French*, Liverpool, chemist.

*Richard Buckridge*, Forebridge, Castle Church, Staffordshire, clerk.

*William Jones*, Alfrick, Suckley, Worcestershire, farmer.

*Thomas Samuel Mortlock*, Thripplow, Cambridgeshire, wholesale spirit merchant.

*John Poynter*, Ham, Surrey, coach maker.

*James Hignett*, Liverpool, tobaccoconist.

*Stephen Wright*, Silsden, Kilnwick, Yorkshire, stone dealer and quarryman.

*William Portor*, Upper Wellington-street, Covent-garden, Middlesex, coffee-house keeper.

*Thos. Proffitt*, sen., Walsall, Staffordshire, butcher.

*George Gibson Weston*, Hillingdon, Middlesex, dealer in caps and bonnets.

*Thomas Ledbetter*, Devonshire-place, Lambeth, Surrey, stone mason and builder.

*John Cope*, Bromley Hurst, Staffordshire, farmer.

*William Irlam Gregory*, Pendleton, near Manchester, cabinet maker and upholsterer.

*Wm. McWhirter*, Manchester, guard on the Manchester and Leeds railway.

*Charles James Mathews*, Deaborough-cottage, Westbourne-green, Harrow-road, Paddington, Middlesex, comedian.

*Henry Bryant*, South-place, New North-road, Islington, Middlesex, tailor.

*F. Gater*, Shute, Shobrooke, Devonshire, out of business.

*Thomas Ridler*, sen., Brimacombe-port, near Stroud, Gloucestershire, builder.

*Henry Hurst Murphy*, Liverpool, officer in her Majesty's Customs.

*Francis Frederick Davis*, Lymington, Southampton, general shop keeper.

## INSOLVENT DEBTORS.

Saturday, Dec. 9.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Mary Tyrrell*, Liverpool, licensed victualler, No. 63,598 C.; *Henry Forshaw*, assignee.—*Henry Richardson*, Manchester, licensed victualler, No. 63,706 C.; *Thomas Gill* and *Thomas Walker*, assignees.—*Esau Carter Monks*, Fleetwood on Wyre, Lancashire, nailor, No. 64,167 C.; *Richard Calverley* and *Nathaniel Caine*, assignees.—*Joe E. Harwood*, Magdalen-st., Bermondsey, Surrey, coal factor, No. 45,326 T.; *Hen. Lang*, assignee.—*Thomas Cowley Jones*, Hoxton, New-town, Middlesex, out of business, No. 55,903 T.; *Charles Ashman*, assignee.—*Sam. Ferinder*, Chalford, Gloucestershire, carpenter, No. 63,599 C.; *John Gibbons* and *Richard Hulbert*, assignees.—*John Brough*, Cockermouth, Cumberland, maltster, No. 63,741 C.; *Henry Armstrong*, assignee.—*Wm. Mann*, jun., Great Yarmouth, Norfolk, fish curer, No. 64,004 C.; *Benjamin Powell* and *Charles Prior*, assignees.—*T. Symons*, Tintagel, Cornwall, farmer, No. 64,088 C.; *Joseph Burton*, assignee.—*James Pope*, Bath, Somersetshire, shoe maker, No. 64,176 C.; *Thomas Phipps*, assignee.—*John Sutton*, Lytham, Lancashire, tailor, No. 64,246 C.; *Edward Holmes*, assignee.—*Thos. Pemberton*, Oswestry, Shropshire, ostler, No. 64,193 C.; *David Jameson*, assignee.—*Jean Louis Gardie*, Percy-st., Tottenham-court-road, Middlesex, bronze manufacturer, No. 55,580 T.; *Mark Wheeler*, assignee.

The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 2 at 9.

*J. Hancock*, Gerrard's-hall, Basing-lane, London, farmer.—*Carl Diederich Raabe*, Bayham-street, Camden-town, Middlesex, hatter.—*Geo. Gadey Dore*, Dean-street, St. George's Bloomsbury, Middlesex, attorney's clerk.—*John Hanington*, Portman-street, Portman-sq., Middlesex, eating-house keeper.—*Chas. John Eckford*, Dalston, Middlesex, out of business.—*Ambrose Parsons*, Gray's-inn-square, Middlesex, clerk to an attorney.—*Francis Tull*, Nile-place, Weymouth-street, New-Kent-road, Surrey, cab proprietor.—*Geo. Onions*, Paul-st., Finsbury, Middlesex, patentee of railway wheels and rails.—*Rob. Barrett Lockwood*, Wellington-cottages, Mortimer-rd.,

Kingland-road, Middlesex, translator of languages.—*Thomas Leaf*, White Hart-place, Lower Kennington-lane, Surrey, tailor.—*Jas. Wood*, Kingston-upon-Thames, Surrey, stone mason.—*John Henry Dirks*, White Lion-court, Bell-alley, London-wall, London, emigrants and commission agent.

Jan. 4, at the same hour and place.

*John Mather*, Marshall-street, Golden-square, Middlesex, bricklayer.—*Wm. Savage*, Little Compton-street, Middlesex, French polisher.—*John Mickelfield*, King-street, Tower-hill, Middlesex, brewer's servant.—*Geo. Farrow*, Peckham, Surrey, carver.—*John Pain*, Taunton, Somersetshire, cabinet maker.—*Anna Maria Galley*, Upper Tooting, Surrey, spinster.—*Thos. Wyeth*, Eltham-place, Kent-street-road, Old Kent-road, Surrey, out of business.—*Geo. Manley*, Bolwell-terrace, Lambeth-walk, Surrey, town traveller.—*Arthur Geo. Small*, King-street, Old Kent-road, gentleman.—*Rob. Cribb*, Bedford-court, Covent-garden, Middlesex, baker.—*J. Ramsay*, Rutland-street, Commercial-road, East, Middlesex, master mariner.—*Geo. Earle*, Cold Harbour-lane, Camberwell, Surrey, wine cooper.

Adjourned.

*Jas. Edw. Mivart*, Hammersmith, Middlesex, gentleman.

MEETING.

*Thomas Cowley Jones*, Branch-place, Hoxton New-town, Middlesex, Dec. 28 at 12, Branscomb's, 1, Wine-office-court, Fleet-street, London.

INSOLVENT DEBTOR'S DIVIDEND.

*John Underhill*, Trews Weir, St. Leonards, Exeter, millwright, Stogden's, Exeter: 1s. 8d. in the pound.

FRIDAY, DECEMBER 15.

BANKRUPTS.

**FRANCIS THOMPSON**, Southampton, tailor, Jan. 4 at half-past 11, and Jan. 25 at 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Davis & Co., Throgmorton-street.—Fiat dated Dec. 8.

**HENRY SOUTHGATE**, Fleet-street, London, auctioneer, Jan. 4 at 12, and Jan. 25 at half-past 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sols. Burrell & Co., White Hart-court.—Fiat dated Dec. 14.

**OWEN WYNN THOMAS**, Clement's-court, and No. 22½, Milk-street, London, silk warehouseman, Jan. 4 at 11, and Jan. 25 at half-past 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Jones, Parliament-street.—Fiat dated Dec. 5.

**WILLIAM READ**, King-street, Covent-garden, Middlesex, engraver and printer, Dec. 22 at half-past 12, and Feb. 6 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Kinsey, Bloomsbury-square.—Fiat dated Dec. 14.

**THOMAS GORE**, Broadstairs, Isle of Thanet, Kent, baker, Dec. 22 and Jan. 30 at 12, Court of Bankruptcy, London: Off. Ass. Follett; Sols. Wightman, Ramsgate; Davison & Co., Broad-street.—Fiat dated Dec. 7.

**RAYNER GRAVES**, Edward-st., Portman-sq., Middlesex, saddler, Dec. 27 at half-past 12, and Jan. 24 at 2, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Burkitt, Curriers'-hall, London-wall.—Fiat dated Dec. 7.

**GEORGE BULLOCK**, Derby, tobacco-nist, Dec. 27 and Jan. 19 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Smith, Derby; Motteram, Bennett's-hill, Birmingham; Scargill, Hatton-garden, London.—Fiat dated Dec. 8.

**JOHN KIDD**, Kendal, Westmorland, grocer and dealer in porter, Dec. 28 and Feb. 6 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. R. & R. Moser, Kendal; Humphreys, Gray's-inn.—Fiat dated Nov. 24.

**WILLIAM HUBBUCK**, South Shields, Durham, pawnbroker, dealer in seamen's clothes, and publican, Jan. 8 and Feb. 7 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Hoyle, Newcastle-upon-Tyne; Crosby & Compton, 3, Church-court, Old Jewry, London.—Fiat dated Dec. 4.

**JOHN SMITH**, Stoke-upon-Trent, Staffordshire, corn dealer and carrier, Jan. 1 at half-past 12, and Jan. 25 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Young, Longton, Potteries, Staffordshire.—Fiat dated Dec. 2.

MEETINGS.

*John Johnson*, Anston, Yorkshire, miller, Jan. 10 at 11, District Court of Bankruptcy, Leeds.—*John Gray*, Hebburn-quay, Durham, timber merchant, Jan. 8 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; at half-past 11, last ex.—*John Bains*, South Shields, Durham, grocer, Dec. 28 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*Wm. Warren*, Pownall Fee, Wilmsham, Cheshire, blacksmith, Dec. 28 at 12, District Court of Bankruptcy, Manchester, last ex.—*Wm. Pye*, Eagle Saw-mills, Old Brompton, Middlesex, and Barnes, Surrey, builder, Jan. 16 at 11, Court of Bankruptcy, London, and ac. and div.—*Wm. Dutton Townsend*, Little Russell-street, Covent-garden, Middlesex, pawnbroker, Jan. 8 at 1, Court of Bankruptcy, London, and ac.; Jan. 11 at 12, div.—*Chas. Thompson*, St. Andrew's-road, Horse-monger-lane, Surrey, builder, Jan. 10 at half-past 12, Court of Bankruptcy, London, and ac. and div.—*George Dickson* and *Richard Glover*, Liverpool, spice merchants, Jan. 9 at 11, District Court of Bankruptcy, and ac.—*Chas. Duffield*, Bath, grocer, Jan. 11 at 12, District Court of Bankruptcy, Bristol, and ac.—*Edw. Stephens Messiter* and *Fred. Messiter*, Malmesbury, Wiltshire, tailors, Jan. 11 at 11, District Court of Bankruptcy, Bristol, and ac.—*J. Fletcher*, Maryport, Cumberland, boiler manufacturer, Jan. 8 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Jan. 9 at 12, div.—*W. Morgan*, Lichfield, bookseller, Jan. 10 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; Jan. 11 at half-past 11, div.—*Thomas Hitchcock*, Alrewas, Staffordshire, worsted manufacturer, Jan. 16 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.; Jan. 17 at 11, div.—*Thos. Mylam Morton*, Bishopgate-street Within, London, eating-house keeper, Jan. 5 at 1, Court of Bankruptcy, London, div.—*Isaac Henry Robert Mott*, Pall-mall, Middlesex, and Dean-street, Soho, piano forte maker, Jan. 8 at half-past 1, Court of Bankruptcy, London, div.—*Edmund Gosland*, Great Dover-street, Southwark, Surrey, apothecary, Jan. 23 at half-past 11, Court of Bankruptcy, London, div.—*Wm. Bayley*, Hastings, Sussex, wholesale grocer, Jan. 18 at 2, Court of Bankruptcy, London, div.—*Sam. Jos. Clegg* and *John Whitby*, Liverpool, merchants, Jan. 9 at half-past 12, District Court of Bankruptcy, Liverpool, div.—*Sam. Canning*, Warwick, victualler, Jan. 16 at 12, District Court of Bankruptcy, Birmingham, div.—*Thos. Goodwin* and *Wm. H. Griffin*, Loscoe, Heanor, Derbyshire, lime burners, Jan. 16 at 12, District Court of Bankruptcy, Birmingham, div.—*J. Corbett Lister*, Wolverhampton, Staffordshire, wine merchant, Jan. 16 at 12, District Court of Bankruptcy, Birmingham, div.

CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Joseph Harrison*, Brighton, Sussex, coach builder, Jan. 16 at half-past 12, Court of Bankruptcy, London.—*Dan. Davis*, Newington-causway, Surrey, earthenware dealer, Jan. 9 at 11, Court of Bankruptcy, London.—*Edm. Florence*, jun., Sub-deanry, Sussex, potato dealer, Jan. 18 at half-past 11, Court of Bankruptcy, London.—*John L. Gray*, Jermyn-st., Westminster, tailor, Jan. 18 at half-past 12, Court of Bankruptcy, London.—*Samuel Thurston*, Grosvenor-row, Piccadilly, corn-merchant, Jan. 18 at 12, Court of Bankruptcy, London.—*J. Harford* and *W. W. Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, Jan. 8 at 12, District Court of Bankruptcy, Bristol.—*W. Morgan*, Longdon, Staffordshire, bookseller, Jan. 10 at 12, District Court of Bankruptcy, Birmingham.—*Thos. Cooke*, Leicester, glove manufacturer, Jan. 16 at 11, District Court of Bankruptcy, Birmingham.—*Saml. Canning*, Warwick, victualler, Jan. 16 at 11, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 5.

*James Bean*, Argyll-street, Oxford-street, Middlesex, tailor.—*William Watkin*, jun., Leamington-priors, Warwickshire, wharfinger.—*James Wood*, Heath-fields, within Saddleworth, Yorkshire, woollen manufacturer.—*J. W. Gray* and *R. Gray*, Bishopswaltham, Southampton, corn dealers.—*Peter Taylor*, Chorley, Lancashire, cotton spinner.—*Owen Jones*, Liverpool, draper.—*Edw. Butler*, jun., Birmingham, woollen draper.—*Joseph Horton*, St. Peter's-street, Islington, Middlesex, iron master.—*Saml. Oliver*, Hellingworth, Cheshire, paper maker.

—*Thos. J. Whidborne*, Liverpool, chemist.—*Joshua Horton*, Hartshill, Dudley, Worcestershire, iron master.—*J. G. Foster*, Aldgate High-street, London, tailor.—*Chas. Beck*, jun., Leadenhall-street, London, ship brokers.

## SCOTCH SUBASTRACTIONS.

*James Potter*, sen., Nettlehill, farmer.—*Alexander Cathie*, Dundee, wine and spirit merchant.—*Robert Thomson*, Saint Andrews, tailor.—*Robert Black*, Brechin, manufacturer.

## DECLARATIONS OF INSOLVENCY.

*William Mobley*, Oxford, butcher.  
*Peter Kirby*, Oxford, baker.  
*John Jenkins*, Symmond's-st., Chelsea, Middlesex, cowkeeper.  
*Joshua Brook*, Holmfurth, Yorkshire, beerseller.  
*Job Dalton*, Sheffield, machine spring manufacturer.  
*James Mayor*, Liverpool, tailor.  
*William Grint*, Paris-street, Palace New-road, St. Mary, Lambeth, Surrey, out of business.  
*Thos. A. Sturley*, Bawdeswell, Norfolk, beer-shop keeper.  
*Wm. Norley*, Wellington-square, Gray's-inn-road, Middlesex, gentlemen's coachman.  
*S. Jas. Browns*, Liverpool, comedian.  
*Wm. Hammerton*, Huddersfield, Yorkshire, wire worker.  
*John Hudson*, Hendon, Middlesex, plumber.  
*William Muir*, Alfred-place, Newington-causeway, Surrey, out of business.  
*Hen. Morgan*, Newport, Monmouthshire, veterinary surgeon.  
*Mary Catherine Thompson*, widow, Shrewley, Warwickshire, out of business.  
*Thomas Burrell*, Gerrard-street, St. Mary, Islington, Middlesex, brick maker.  
*George Terry*, Maidstone, Kent, saddler.  
*Wm. Thomas*, Newport, Monmouthshire, livery-stable keeper.  
*James White*, Manchester, cotton spinner.  
*Geo. Fred. Bywater*, Sheffield, Yorkshire, painter.  
*William Wynne Vaughan*, Brace Meole, Shropshire, out of business.  
*Ed. Weatherstone*, Cheltenham, Gloucestershire, plumber.  
*Richard Prichard*, Park-road, St. Mary-le-bone, Middlesex, merchant's clerk.  
*John Abel Smith*, South-row, New-road, St. Pancras, Middlesex, coach builder.  
*Thos. Blake*, Brighton, Sussex, bricklayer.  
*James Holroyd*, Mile Thora, near Halifax, Yorkshire, waste dealer.  
*Charles Riddell*, Needwood, Scropton, Staffordshire, out of business.  
*Sam. Wright*, sen., Levenshulme, Manchester, joiner.  
*Robert James Edwards*, Banbury, Oxfordshire, organist.  
*Peter Crumb*, Bear-street, Leicester-square, Middlesex, boot maker.  
*Thos. Heath*, King-street, Covent-garden, Middlesex, copper-plate printer.

## INSOLVENT DEBTORS.

The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Monday, Jan. 8 at 9.

*Thos. Perrin*, Finner, Middlesex, farmer's labourer.—*Chas. Geo. Rosenberg*, Palace-place, New Scotland-yard, Westminster, Middlesex, writer for newspapers.—*Thomas Flanagan*, Shepperton-street, New North-road, Islington, Middlesex, slater.—*John Rudland*, Dorset-mews East, Baker-street, Portman-square, Middlesex, hackneyman.—*John Slater*, Brunswick-cottages, Brunswick-street, Hackney-road, Middlesex, commercial traveller.—*Evan Evans*, Wardour-street, Soho, Middlesex, diamond polisher.—*Thos. Hatten*, High-street, St. Giles, Middlesex, cowkeeper.—*Thomas Gibby*, Ryder's-court, Leicester-square, Middlesex, waiter.—*John Battie Tuke*, jun., China-walk, Chelsea, Middlesex, out of business.

## Adjourned.

*Thomas Edwin Southes*, London-road, Southwark, Surrey, out of business.

## MEETING.

*John Brough*, Cockermouth, Cumberland, maltster, Jan. 4 at 2, Madox & Wyatt's, Clement's-lane, Lombard-st., London, sp. aff.

The Queen has been pleased to appoint Paul Ivy Sterling, Esq., to be her Majesty's Attorney-General for the island of Hong Kong.

**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: William Polhill Kell, of Lewes, Sussex; William Rowell, of Newbury, Berkshire; Arthur Gore, of Melksham, Wiltshire. *Ireland*: George Kennedy Smith, of Belfast.

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LONDON, DECEMBER 23, 1843.

We question much, whether, if the Legislature, when they passed the Poor Law Amendment Act, could have foreseen the consequences of requiring a copy of the examination to be sent with the order of removal, they would not have omitted that provision. To them, no doubt, it seemed but reasonable and just, that the parish to which a pauper was removed should be informed of the evidence by which their liability was said to be established. And the means adopted appeared simple enough; nor could they be expected to foresee the multitude of decisions, difficult to be distinguished and hard to be reconciled, which their enactment has produced. But, whatever the Legislature, through their want of foresight, may have thought, to us, who have a knowledge of its consequences, the requiring the examination to be sent with the order must appear of very questionable advantage. How many appeals are now decided by the courts of quarter sessions, not upon the question, whether the pauper is proved by the evidence to be settled in the one or other parish, but whether there is not some defect or omission in the examination or grounds of appeal, which have come to be looked at with the same strictness as pleadings! Whether this practice be a sound one or not, it must now be acquiesced in; and it therefore becomes important to inquire, how far orders, made on the hearing of an appeal, are conclusive. Before the practice arose, of sending the examination, this question of conclusiveness was one of easy solution. In most instances, the facts of the settlement were tried and decided upon by the sessions, and then there could be no doubt as to the conclusiveness of their order; or, as in *R. v. The Inhabitants of Osgathorpe*, (2 Strange, 1261; S. C., Burr. S. C. 261, and *R. v. The Inhabitants of Wick St. Lawrence*, (5 B. & Adol. 526), the orders were quashed, because they were prema-

turely made, a fact which could afterwards be easily ascertained and proved. But when appeals came to be decided upon points touching the examination or grounds of appeal, a new ingredient was imported into the question of conclusiveness, and cases arose upon which the previous ones could furnish no authority. The first of these appears to be *R. v. The Inhabitants of Clint*, (11 Adol. & Ell. 624). Prior, indeed, in point of time, is *R. v. The Inhabitants of Church Knowle*, (7 Adol. & Ell. 471), where the respondents, in consequence of the examination of the pauper being defective, moved to quash their own order, which was consented to by the appellants; but no reason was stated on either side, and the court held that this was conclusive between the parishes. But this case seems to stand alone, and to depend on the principle that the respondents, after applying to have the order quashed generally, were estopped from afterwards saying that it was quashed for want of form. In *R. v. The Inhabitants of Clint*, then, an order removing the pauper, his wife, and children from Birstwith to Clint had been made on May 8, 1839, on an examination of the pauper, which set up a settlement in Clint, by renting &c. a tenement, on which (according to his examination) he entered in the beginning of June, 1827, and of which he gave up possession about the end of June, 1828. On the hearing of the appeal, it appeared that the pauper entered in June, 1828, and left in August, 1829, and the sessions held the variance material, and discharged the order. Subsequently, a second order was made, founded on a fresh examination of the pauper, stating an occupation of a farm in Clint, on which he entered about the beginning of June, 1828, and which he gave up in August, 1829; and the Court of Queen's Bench, upon a case reserved for their opinion, held that the former order was conclusive. In *R. v. The Inhabitants of Eevenwood and Barony*, (12 Law Journ., M. C. 101; S. C., 7 Jur. 697), certain paupers

were removed from St. Helen's Auckland to Middlestone, which parish appealed, and admitting a settlement with them, stated in their grounds of appeal a subsequent settlement in Evenwood and Barony, by renting a tenement. At the sessions it was objected, that the appellants could not go into this settlement, as the grounds of appeal were defective, in not shewing a residence. The objection was allowed, and the order confirmed; and Middlestone subsequently obtained an order of removal of the same paupers, upon the same alleged settlement, to Evenwood and Barony, who appealed, upon the ground that the confirmation of the first order was upon the merits, and was conclusive upon Middlestone. And so the Court of Queen's Bench decided upon a case reserved for their opinion. In *R. v. The Inhabitants of Charlbury and Walcott*, (ante, p. 1083), the first order was quashed on appeal, because the date of the examination was insufficient, in not stating the birth of the pauper's husband, which omission the sessions held to be material. And a second order having been made for the removal of the pauper to the same parish, it was quashed on appeal, on the ground that the former judgment was conclusive. A case was reserved for the opinion of the court, who confirmed this order of the sessions.

With respect to the first of these three cases, it is undoubtedly true, that a variance between the statement and proof of a material fact must always be fatal, except where an amendment is allowed, and the judgment of the sessions on the first appeal was in accordance with the settled practice of the law in similar cases. But we doubt whether this can be said of the decision of the court, that it was conclusive between the parties as to the settlement. When a variance occurs in an action, the plaintiff is nonsuited, and may commence proceedings afresh; he is not concluded as to the matter in dispute. And so, if a man be acquitted upon an indictment on account of a variance, he cannot plead the acquittal in bar of another indictment, which describes the offence correctly. Besides, the practice of allowing amendments at *Nisi Prius* is directly opposed to the principle which would make a judgment on account of a variance conclusive as to the fact in dispute. There is a legislative recognition of its injustice; and it does seem to us somewhat harsh to conclude a removing parish in a case, in the like of which another person is not concluded. The having to pay the costs of an appeal, and to maintain the pauper until a fresh order is made, would seem a sufficient punishment for mistaking a date or a name.

The other two cases require a different consideration. In them there was no variance, the defect being—in the former, an omission in the grounds of appeal—in the latter, in the examination. We might observe, with respect to the former, that it may be upheld as a decision on the merits, for the reason, that the grounds of appeal being defective, they must be considered as entirely withdrawn from the consideration of the sessions, and then the case of the respondents stood uncontradicted. It was like the case of a plea which confessed the cause of action, but failed to shew sufficient matter in avoidance of it. This remark, however, is not applicable to the latter case; and we prefer seeking a principle which is common to both.

We ask our readers, therefore, to consider the nature and purpose of the examination and grounds of appeal. In these, the respondent parish, on the one hand, and the appellant on the other, are bound to state the whole of the facts relating to the settlement which it is in their power to prove. It must be assumed, that they have done so, just as on a demurrer to a declaration it is assumed that the plaintiff has stated all the essential facts of his case. The parties come to the sessions, and the appellants say to the respondents, "All the facts you have stated in the examination may be perfectly true—we will admit them to be so; but one fact is wanting which is necessary to make out the settlement. That, it must be assumed, does not exist; for if it does, why is it not in the examination? We, therefore, assuming the facts you have stated to be proved, and which are the only facts you can be allowed to prove, ask to have the order quashed." And the quashing the order is as much a decision on the merits as if the evidence had been gone into. It is a decision that, upon the evidence which the parties are in a condition to produce, they must fail in proving the settlement; and the form of hearing the evidence is unnecessary, when, after it has been heard, the same conclusion must be come to. This seems to be the ground upon which *R. v. The Inhabitants of Charlbury and Walcott* was decided. It is not expressed in the judgment so clearly as might be wished, but there are passages from which it may be easily inferred. We allude, in particular, to the latter part of the judgment of Patteson, J.

We have thus endeavoured to furnish our readers with a clue to these cases; whether we have succeeded or not, it is for them to decide. If we have not, our failure will, at least, have facilitated the discovery of the correct principle, and, on that ground, if we cannot shew a better claim, we hope for their thanks. When we took up our pen, we intended, also, to consider the cases relating to the sessions making a special entry on quashing an order. But they are too important to be introduced at the end of an article already sufficiently long, and we must wait for another opportunity. In the meantime, we advise such of our readers as may happen to have an order quashed for any matter having the appearance of form, to endeavour to procure an entry to be made "not upon the merits."

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#### MICH. TERM, 1842.

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(Mr. Serjt. Byles to be heard  
as to New Trial)

Corn.—Doe d. Bake v. Derry  
(Stands for Arrangement)

Essex.—Corporation of Colchester v. Brooke  
(Second Case)

#### HILARY TERM, 1843.

Midd.—Carpue v. London &  
Brighton Rail. Co.  
,, Sexton v. Dennes

Land.—Hare v. Barstow  
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#### EASTER TERM, 1843.

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,, Perkins v. Ranson  
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Nor.—Palmer v. Costerton  
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 Oxford.—Cripps v. Hill  
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 „ Le Grille v. Spalding  
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 Durham.—Reg. v. Shortridge  
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 Cheshire.—Reg. v. Corbett &  
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 Middlesex.—Reg. v. Varty &  
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 Bode  
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 tices of Worcestershire.

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 Smith v. Evans

## Exchequer of Pleas.

## NEW TRIAL PAPER.

Moved Mich. Term, 1843.  
 FOR ARGUMENT.  
 Croydon.—Allard v. Kimber-  
 ley  
 „ Wilson v. Smith  
 Bucks.—Ld. Clifden v. Crowe  
 Norwich.—Stracey v. Nelson  
 „ Mason v. Farnell  
 Chester.—Gore v. Lloyd  
 „ Evans v. Lloyd  
 Monmouth.—Edwards v.  
 Lockett & an.  
 Hereford.—Doe d. Twining v.  
 Muscott  
 Stafford.—Christie v. Stubbs  
 „ Foley v. Botfield  
 „ Bill v. Roche  
 Devizes.—Gillett v. Little  
 „ Munday v. Bush  
 „ Lansley v. Clarke  
 Bridgwater.—Doe d. Ricketts  
 v. Ballinger

Yorkshire.—Doe d. Taylor v.  
 Stevenson  
 „ Scholey v. Walton  
 Durham.—Laycock v. Bulmer  
 „ Wilkinson v. Greg  
 Newcastle.—Dunford v. Trat-  
 tles  
 Liverp.—Smethurst v. Taylor  
 „ Lord v. Ferrand  
 „ Seymour v. Carr  
 „ Needham v. Law,  
 Public Officer  
 „ Fletcher v. Manning  
 „ Platt v. Young

Moved after the Fourth Day  
 of Mich. Term, 1843.

Midd.—Doe d. Powell v. Pod-  
 more  
 „ Vanhollen v. Knowles  
 London.—Smith v. Sleep

## PEREMPTORY PAPER.

For Friday, the 12th January, 1844, to be taken at the Sit-  
 ting of the Court.

Rule Nisi.  
 15 Nov. 1843.—Doran v. Ritchie & others  
 22 Nov. 1843.—Same v. Same  
 9 Nov. 1843.—Isherwood v. Whitmore & others  
 10 Nov. 1843.—Edgington v. Smith  
 2 Nov. 1843.—Edkins v. Jackson & another  
 8 Nov. 1843.—Earl of Stamford & Warrington v. Dunbar  
 21 Nov. 1843.—Vaughan v. Lloyd

## SPECIAL PAPER FOR HILARY TERM, 1844.

STANDING FOR JUDGMENT.  
 Catherwood v. Caslon—S. C.  
 (Heard 2nd November, 1842)  
 Morris v. Preston and Wyre  
 Rail. Harbour & Dock Co.  
 (Heard 15th November, 1843)

FOR ARGUMENT.  
 Smith v. Hopkinson—Dem.  
 (To stand over until similar  
 Case disposed of in the  
 Court of Error)  
 Granger v. Dacre—Dem.

## SPECIAL PAPER FOR HILARY TERM, 1844.

Levis v. Nixon—D. A. A. Dobie.  
 (Stands for Arrangement).  
 Dimes v. Grand Junction Canal Co.—S. V. W. Dimes.  
 Chapman v. White—S. C. Swain & Co.  
 Karr v. Cubitt—S. C. J. Evans.  
 Aspdin v. Austin—D. A. Weir.  
 Fischer v. King—D. A. H. Walker.  
 Doe d. Earl Egremont v. Stephen—S. C. Walker & Co.  
 Same v. Burroughs & an.—S. C. Walker & Co.  
 Hilton v. Lord Granville—S. C. E. Smith.  
 Hall v. Corporation of Swansea—D. A. Watkins & H.  
 Evans v. Harlow—D. A. Mayhew & Co.  
 Holroyd & an. v. Reed & an.—D. A. Tattershall.  
 Doe d. Lovett v. Smith & an.—S. C. Bridger & B.  
 Evans v. Gwynne—D. A. Chilton & A.  
 Robinson v. Gore—D. A. Haverfield.  
 Waters v. Williams & an.—D. A. Williams.  
 Vice & an. v. Givens—D. A. G. Archer.  
 Yates v. Tearle & ors.—D. A. W. Richardson.  
 Grimstone v. Hume—D. A. H. & C. Hall.  
 Beaumont v. Sloper—D. A. Geo. Hall.  
 Maskelyne v. Gregory—D. A. White & Co.  
 Ward v. Stevenson & an.—S. C. Ravenscroft.  
 Francis v. Steward—D. A. White & B.  
 Holmes v. Newlands—D. A. Chatfield & Co.  
 Randle v. Daniel—D. A. Smith.

## PEREMPTORY PAPER.

## ENLARGED RULES FOR HILARY TERM, 1844.

## First Day.

Williams v. Pantou  
 Ex parte Marr, in re Postle-  
 thwaite, Gent., one, &c.  
 Bosanquet v. Graham  
 Same v. Griffith  
 In the Matter of the Guardians  
 of the Witham Union, &  
 Moffatt & Scott  
 Bland v. Dax  
 Wright v. Madocks & ors.

Same v. Same  
 Richards v. Kay  
 Howlett v. Mace  
 Hume v. D'Israeli  
 Lancash.—Reg. v. Mayor, &c.  
 of Wigan  
 Yorksh.—Reg. v. Eckersley &  
 others, Justices  
 Leicestersh.—Reg. v. Leices-  
 tershire and Northampton-  
 shire Union Canal

Felly v. Rose—Dem.  
Bowerbank v. Baldwin—Dem.  
Doe d. Fisher v. Company  
of Proprietors of the Grand  
Junction Canal—S. C.  
Doe d. York v. Walker.—S. V.  
Ferry & ux. v. Mitchell—Dem.

Hutt & ors. v. Giles—Dem.  
Barker v. St. Quinton, Esq.,  
& another—Dem.  
Watts v. Trafford—Dem.  
Ridley, Bart., v. Whittingham  
—Dem.

### Exchequer of Pleas.

#### In Term.

MIDDLESEX.  
1st sitting, Friday Jan. 12  
2nd sitting, Friday ..... 19  
3rd sitting, Friday ..... 26

LONDON.  
1st sitting, Wednes. Jan. 17  
2nd sitting, Wednes. .... 24  
By adjourn., Thursday .. 25

#### After Term.

Thursday ..... Feb. 1 | Friday ..... Feb. 2  
(To adjourn only).

The court will sit in Middlesex, at Nisi Prius, in Term, by adjournment from day to day, until the causes entered for the respective Middlesex sittings are disposed of.—The court will sit during term at ten o'clock.

### London Gazette.

TUESDAY, DECEMBER 19.

#### BANKRUPTS.

RICHARD CHAMPION, Friday-street, London, furrier, Dec. 29 at 1, and Jan. 26 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Wood & Wickham, Corbet-court, Gracechurch-street.—Fiat dated Dec. 12.

FREDERICK BARRY, Rye, Sussex, miller and corn factor, Jan. 2 at 1, and Jan. 30 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. M'Leod & Stenning, 13, London-street, Fenchurch-street.—Fiat dated Dec. 13.

THOMAS TRAPP and THOMAS PIERSON TRAPP, Church-street, Southwark, Surrey, tallow chandlers and melters, Jan. 12 at half-past 11, and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Holmer, Bridge-street, Southwark.—Fiat dated Dec. 18.

ROBERT HEFFER, St. Ives, Huntingdonshire, draper, Jan. 18 at half-past 1, and Feb. 2 at 11, Court of Bankruptcy, London: Off. Ass. Groom; Sols. Reed & Shaw, 2, Friday-street, Cheapside.—Fiat dated Dec. 9.

JAMES FLINT, Lewes, Sussex, linen draper, Jan. 5 and 31, at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Sole & Co., Aldermanbury, London.—Fiat dated Dec. 14.

JAMES EBER BUNTER, Lower Shadwell, Middlesex, merchant, Jan. 3 at half-past 12, and Jan. 31 at 1, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Buchanan, 8, Basinghall-street.—Fiat dated Dec. 14.

JOSEPH PEARSON, Darlaston, Staffordshire, cut nail manufacturer, Jan. 3 at half-past 12, and Jan. 24 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sols. Harrison, Birmingham; Woodward, Wednesbury.—Fiat dated Dec. 11.

#### MEETINGS.

J. Nutter, Cambridge, miller, Jan. 2 at 2, Court of Bankruptcy, London, pr. d.—John Johnson, Anston, Yorkshire, miller, Jan. 10 at 11, District Court of Bankruptcy, Leeds, ch. ass.—T. Wright, Blackmore-street, Clare-market, Middlesex, cheesemonger, Jan. 5 at 12, Court of Bankruptcy, London, last ex.—Wm. Bridgewood Gaskell, Birmingham, draper, Dec. 29 at 11, District Court of Bankruptcy, Manchester, last ex.—Edmund Ashworth, Manchester, innkeeper, Jan. 18 at 1, District Court of Bankruptcy, Manchester, last ex.—T. Waters Pillgwoelly, St. Wollo, Monmouthshire, hay dealer, Jan. 15 at half-past 11, District Court of Bankruptcy, Bristol, last ex.—Wm. Vann, Old-street, St. Luke, Middlesex, upholsterer, Jan. 11 at 12, Court of Bankruptcy, London, aud. ac.—Wm. Humphreys, Brighton, Sussex, wine merchant, Jan. 11 at half-past 11, Court of Bankruptcy, London, aud. ac.—James Atkins, Shoreditch, Middlesex, tobaccoconist, Jan. 11 at half-past 12, Court of Bankruptcy, London, aud. ac. and div.—John Ivory, Meppershall, Bedfordshire, farmer, Jan. 11 at half-past 1, Court of Bankruptcy, London, aud. ac. and div. Wm. Blanks, Rochford, Essex, draper, Jan. 11 at 1, Court of Bankruptcy, London, aud. ac. and div.—James Smith, Hox-

ton Old-town, Middlesex, linen draper, Jan. 11 at 12, Court of Bankruptcy, London, aud. ac. and div.—Stephen Phillips, Brook-street, Hanover-sq., Westminster, carpet warehouseman, Jan. 11 at 12, Court of Bankruptcy, London, aud. ac. and div.—Joseph Harvey, St. Mary-axe, London, builder, Jan. 10 at 11, Court of Bankruptcy, London, aud. ac.—John Wm. Dyer, Colchester, Essex, plumber, Jan. 9 at 1, Court of Bankruptcy, London, aud. ac.—Robert Watson, York, silk mercer, Jan. 10 at 11, District Court of Bankruptcy, Leeds, aud. ac.; Jan. 12 at 11, div.—Peter Sowerby, Liverpool, provision dealer, Jan. 11 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; Jan. 12 at 11, div.—J. Gordon, Liverpool, merchant, Jan. 10 at half-past 12, District Court of Bankruptcy, Liverpool, aud. ac.—H. A. Jameson, North Shields, Northumberland, linen draper, Jan. 11 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 15 at 1, div.—Thomas Smith, Gloucester, scrivener, Jan. 18 at 11, District Court of Bankruptcy, Bristol, aud. ac.—Wm. Perkins, St. Wollo, Monmouthshire, ship builder, Jan. 16 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 17 at 11, div.—Isaiah Ward, Devizes, Wiltshire, house decorator, Jan. 16 at 1, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 17 at 11, div.—John Buxton, Manchester, builder, Jan. 12 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 15 at 11, div.—Edward Austen, Walmer, Kent, grocer, Jan. 16 at 1, Court of Bankruptcy, London, div.—Williams Norton, Clayton West, High Hoyland, Yorkshire, fancy manufacturer, and Francis Jackson, Cateaton-street, London, warehouseman, Jan. 8 at 2, Court of Bankruptcy, London, div.—Arch. Leslie and Wm. Smith, St. Dunstan's-hill, London, merchants, Jan. 11 at 11, Court of Bankruptcy, London, div.—Charles Tapp, Wigmore-street, St. Marylebone, Middlesex, coach maker, Jan. 11 at 2, Court of Bankruptcy, London, div.—George Winning, Dover-street, Piccadilly, upholsterer, Jan. 9 at 12, Court of Bankruptcy, London, div.—Edward Conden, Milton-street, and Edward-street, Dorset-sq., Middlesex, builder, Jan. 11 at 2, Court of Bankruptcy, London, div.—Henry Fletcher, jun., Eastington, Gloucestershire, clothier, Jan. 9 at 1, Court of Bankruptcy, London, div.—G. Bonnor, Bermondsey-wall, Surrey, rag merchant, Jan. 9 at 11, Court of Bankruptcy, London, div.—Rich. Woodward, Liverpool, merchant, Jan. 9 at half-past 11, District Court of Bankruptcy, Liverpool, ch. ass.; Jan. 16 at 11, aud. ac.; Jan. 23 at 11, div.—John Fell, Liverpool, merchant, Jan. 16 at 1, District Court of Bankruptcy, Liverpool, div.

#### CERTIFICATES

To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.

David Frazer, Little Tower-st., London, ship-owner, Jan. 9 at half-past 1, Court of Bankruptcy, London.—John Prior, Bedford, statuary, Jan. 9 at 11, Court of Bankruptcy, London.—John Ivory, Mepper-hall, Bedfordshire, farmer, Jan. 11 at half-past 1, Court of Bankruptcy, London.—G. Laves, Southampton, tailor, Jan. 10 at half-past 2, Court of Bankruptcy, London.—Thos. Waters, Christchurch, Monmouthshire, cattle salesman, Jan. 15 at 11, District Court of Bankruptcy, Bristol.—John Bamby, Malton, Yorkshire, hatter, Jan. 12 at 11, District Court of Bankruptcy, Leeds.—Sarah Ross, Leicester, hosier, Jan. 24 at 11, District Court of Bankruptcy, Birmingham.—Edward Hilton, Over Darwen, Lancashire, paper maker, Jan. 16 at 11, District Court of Bankruptcy, Manchester.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 9.

John Wilson, Wigton, Cumberland, draper.—Thos. Kimpton, High-street, Newington-butts, Surrey, draper.—Samuel Gould, Liverpool, merchant.—John Richmond, Manchester, yarn-agent.—George Threadgold, Finsbury-circus, Middlesex, builder.

#### SCOTCH SEQUESTRATIONS.

Charles Smith, Dundee, merchant.—Andrew Ogilvie, Dundee, merchant.

#### DECLARATIONS OF INSOLVENCY.

Amos Pinder, Totties, Kirkburton, Yorkshire, clothier. Samuel Trehearn, jun., Claygreen Farm, Alfrick, Suckley, Worcestershire, farmer. William Freeman, Liverpool, out of business. M. Jones, Stokes Croft, Saint Paul's, Bristol, house-keeper. John Gregory, Liverpool, butcher. Wm. Brown, Holbeck, Leeds, Yorkshire, butcher.

*William Barrett*, Mill-town-end, Fairford, Gloucestershire, out of business.  
*Thos. Lamping*, Tavistock, Devonshire, plumber.  
*J. Hubbertsey*, Blackburn, Lancashire, book agent.  
*Frederick Fox Cooper*, Walcot-place East, St. Mary, Lambeth, Surrey, dramatic author.  
*John Chew*, Blackburn, Lancashire, cotton spinner.  
*Rob. Davenport*, Blackburn, Lancashire, bookkeeper.  
*R. Light*, Rambridge, Eling, Southampton, out of business.  
*James Hubie*, South Milford, Sherburn, Yorkshire, boot and shoemaker.  
*William Lewis Martin*, Kew Horse-road, Richmond, Surrey, corn and coal dealer.  
*W. Ramscar*, Stockport, Cheshire, candle wick manufacturer.  
*Andrew Leigh*, Choriton-upon-Medlock, near Manchester, building agent.  
*James Farr*, Kinton-farm, Inkberrow, Worcestershire, farmer.  
*John Shutt*, Birmingham, button manufacturer.  
*Charles Kerry Nicholls*, Bridge-road, Lambeth, Surrey, clerk to a joint-stock company.  
*Stephani Etievant*, Princes-st., Stamford-st., Christchurch, Surrey, professor of the French language.  
*Jas. Smith*, St. Thomas the Apostle, Devonshire, draper.  
*John Brinkworth*, Chippenham, Wiltshire, baker.

## INSOLVENT DEBTORS.

Saturday, Dec. 16.

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*William Hind*, Preston, Lancashire, out of business, No. 64,212 C.; Wm. Hunt and Rob. Hunt, assignees.—*S. Wood*, Preston, Lancashire, out of business, No. 64,231 C.; Thomas Cowell, assignee.—*George Midelton*, Taunton, Somersetshire, out of business, No. 64,087 C.; Wm. Barridge, assignee.—*Wm. Keep*, Northumberland-st., Strand, Middlesex, tailor, No. 35,932 T.; Dan. Goodall, assignee.—*Thomas Jones*, Singleton-street, Hoxton New-town, Middlesex, clerk to an engraver, No. 55,510 T.; Wm. Neale, assignee.—*Joseph Robert Bakewell*, Victoria-place, Camberwell New-road, Surrey, civil engineer, No. 55,515 T.; Fred. Kensington and John Bartholomew, assignees.—*Geo. Denston Lees*, Crown-inn, Snareston, Leicestershire, licensed victualler, No. 63,911 C.; J. Peake, assignee.—*Thos. Ensom*, Birmingham, Warwickshire, out of business, No. 57,201 C.; Charles Cooper and Geo. Malin, assignees.—*E. Mills*, Maidstone, Kent, chemist, No. 62,819 C.; David Southon, assignee.—*John Langridge*, Southampton-mews, Russell-sq., Bloomsbury, Middlesex, driver of a cab, No. 55,942 T.; Isaac Izard, assignee.—*Eliz. Timmins*, widow, Birmingham, Warwickshire, pump maker, No. 63,630 C.; G. Clulee, assignee.—*Rom. Grimditch Ind*, Cambridge, assistant ironmonger, No. 64,044 C.; C. Wicks, assignee.—*H. Allday*, Elmdon-heath, near Solihull, Warwickshire, farming bailiff, No. 63,612 C.; John Drinkwater, assignee.—*Ebenezer Jacob*, Mount-gardens, Lambeth, Surrey, gentleman, No. 49,249 T.; John H. Elford and Wm. Deighton, assignees.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 9 at 9.*

*Jas. Oldfield*, Edgeware-road, St. Mary-le-bone, Middlesex, coach proprietor.—*Sam. Glover*, sen., Holborn-bars, London, out of business.—*Chas. Mackenzie*, Hyde-street, Bloomsbury, Middlesex, bookbinder.—*Jas. Moore*, Montague-place, Little Britain, London, out of business.—*Alex. Manson*, Vauxhall-bridge-road, Middlesex, grocer.—*John F. Robinson*, Lower Eaton-street, Pimlico, Middlesex, plumber.—*Anthony Lyon*, Mulgrave-place, Woolwich, Kent, barman.—*Henry Pettifer*, sen., High-st., St. Giles's, Middlesex, dealer in pork.—*Wm. John Gill*, London-road, Southwark, Surrey, hair dresser.

## MEETING.

*Nich. Chas. Gelstharp*, Shirley, near Ashborne, Derbyshire, miller, Jan. 6 at 12, Tomlinson's, Ashborne, sp. aff.

FRIDAY, DECEMBER 22.

## BANKRUPTS.

*EDWARD MUNN*, Stanhope-terrace, Hyde-park, Paddington, Middlesex, corn chandler, Jan. 6 at 11, and Jan. 30 at half-past 11, Court of Bankruptcy, London: Off. Ass. Groom; Sol. Tatham, Throgmorton-street.—Fiat dated Dec. 19.

*WILLIAM CARPENTER*, Southampton, stationer, Jan. 6 at 12, and Feb. 2 at 11, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Parker, St. Paul's Church-yard.—Fiat dated Dec. 18.

*JOHN BALLARD*, Maidstone, Kent, brazier and tinman, Jan. 2 at 12, and Jan. 23 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sols. Case, Maidstone; Hicks & Co., Bartlett's-buildings.—Fiat dated Dec. 12.

*MICHAEL HADLEY*, Walsall, Staffordshire, chemist, druggist, and grocer, Jan. 5 at 12, and Jan. 30 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Price & Co., Wolverhampton.—Fiat dated Dec. 18.

*JOHN WHITLEY*, Liverpool, surgeon and apothecary, Jan. 10 at 11, and Jan. 31 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Bird; Sols. Birket & Foster, Liverpool; Vincent & Co., Temple.—Fiat dated Dec. 16.

*JOHN LAWRENCE*, Birmingham, spirit merchant, Jan. 3 at 12, and Feb. 3 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Knight, Worcester; Harrison, Birmingham.—Fiat dated Dec. 18.

## MEETINGS.

*James Meredith*, St. Andrew, Pershore, Worcestershire, woolstapler, Jan. 10 at 12, District Court of Bankruptcy, Birmingham, pr. d.—*Thomas Marten*, Pavement, Moorfields, London, victualler, Jan. 9 at 2, Court of Bankruptcy, London, last ex.—*Jas. Bedford*, Melina-place, Westminster-road, Lambeth, Surrey, Jan. 3 at 2, Court of Bankruptcy, London, last ex.—*Hialop Warner*, Ed. Maracae, Thos. Manning, and *Jas. Manning*, Liverpool, spirit distillers, Jan. 16 at 11, District Court of Bankruptcy, Liverpool, last ex. *H. Warner*.—*Thos. Hobbs*, Nettlebed, Oxfordshire, potter, Jan. 12 at 2, Court of Bankruptcy, London, aud. ac.—*Joseph Marriage*, jun., Moulsham, Chelmsford, Essex, miller, Jan. 12 at half-past 12, Court of Bankruptcy, London, aud. ac. and div.—*James Watts*, Holborn, Middlesex, licensed victualler, Jan. 12 at 11, Court of Bankruptcy, London, aud. ac.—*Hen. Walsh*, Reading, Berkshire, watch maker, Jan. 12 at half-past 11, Court of Bankruptcy, London, aud. ac. and div.—*Sam. H. Angier*, Philpot-lane, London, bookseller, Jan. 12 at 12, Court of Bankruptcy, London, aud. ac.—*Chas. Jas. Townley*, Liverpool, share broker, Jan. 20 at 11, District Court of Bankruptcy, Liverpool, aud. ac.; at 12, div.—*Hen. William Hobhouse*, Johnson Philloft, and *Charles Louder*, Bath, Somersetshire, bankers, Jan. 5 at 11, District Court of Bankruptcy, Bristol, aud. ac.; Jan. 9 at 11, div.—*T. Southern*, Gloucester, grocer, Jan. 19 at 11, District Court of Bankruptcy, Bristol, aud. ac.—*J. Herring* and *W. Herring*, Newcastle-upon-Tyne, merchants, Jan. 15 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac. sep. est. *J. Herring*.—*J. Graham*, jun., Newcastle-upon-Tyne, spirit merchant, Jan. 15 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*S. Rogers*, Dale-hall, near Burslem, Staffordshire, earthenware manufacturer, Jan. 30 at 1, District Court of Bankruptcy, Birmingham, aud. ac. and div.—*Henry Wood*, Fleet-street, London, bookseller, Jan. 12 at half-past 1, Court of Bankruptcy, London, fin. div.—*James Henson*, Bury-court, St. Mary-axe, London, upholsterer, Jan. 12 at 1, Court of Bankruptcy, London, fin. div.—*John Dewe* and *Rich. Dewe*, Oxford, booksellers, Jan. 12 at half-past 12, Court of Bankruptcy, London, div.—*James Percy*, St. John's-street, Middlesex, shoe seller, Jan. 12 at half-past 2, Court of Bankruptcy, London, div.—*Thomas Styan* and *William Styan*, Great Tower-street, London, tea brokers, Jan. 12 at 2, Court of Bankruptcy, London, div. joint and sep. est.—*Thos. Long*, Beauford-place, St. Luke, Chelsea, Middlesex, coal merchant, Jan. 23 at 11, Court of Bankruptcy, London, fin. div.—*Rich. Warren*, Liverpool, druggist, Jan. 20 at half-past 12, District Court of Bankruptcy, Liverpool, div.—*Owen Jones*, Liverpool, draper, Jan. 20 at 11, District Court of Bankruptcy, Liverpool, div.—*John Berry*, Rugby, Warwickshire, grocer, Jan. 23 at 12, District Court of Bankruptcy, Birmingham, div.

## CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*James Nutter*, Cambridge, brewer, Jan. 23 at 12, Court of Bankruptcy, London.—*T. J. Sutton*, Scarborough, Yorkshire, master mariner, Jan. 19 at 2, Court of Bankruptcy, London.—*F. W. E. Barandon*, Philpot-lane, London, merchant, Jan. 17 at half-past 2, Court of Bankruptcy, London.—*Alf. H. Wagstaff*, Leighton Buzzard, Bedfordshire, apothecary.

cary, Jan. 10 at 3, Court of Bankruptcy, London.—*William Lloyd*, Liverpool, spirit merchant, Jan. 13 at 1, District Court of Bankruptcy, Liverpool.—*Alex. Brown, Hen. Brown, and Rich. Brown*, Liverpool, slaters, Jan. 16 at 12, District Court of Bankruptcy, Liverpool.—*Wm. Slade*, Bridport, Dorsetshire, shoemaker, Jan. 15 at 11, District Court of Bankruptcy, Exeter.—*Geo. H. Crowther*, Warrington, Lancashire, stationer, Jan. 19 at 12, District Court of Bankruptcy, Manchester.—*F. M. Luckman*, Manchester and Liverpool, linen draper, Jan. 18 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before Jan. 12.*

*Edward Reynolds*, Merton, Surrey, woollen printer.—*W. Espivent de la Vellesboisnet*, Coleman-street-buildings, London, merchant.—*R. W. Lewis*, Shenfield, Essex, farmer.—*B. Dorral*, Ironbridge, Madeley, Shropshire, mercer.—*Henry Ellis*, Norwich, draper.—*Morgan D. Morgan*, Beaufort Ironworks, Llangatock, Breconshire, grocer.—*James Carr*, Low Southwick, and Monk Wearmouth Shore, Durham, ship builder.—*John Harries*, Leicester-square, Middlesex, carpet warehouseman.—*James Sell*, Union-street, Southwark, Surrey, baker.—*Ludd Fenner and Wm. Fenner*, Fenchurch-st., London, merchants.

#### SCOTCH SEQUESTRATIONS.

*Jas. and Dan. Mc Nicoll*, Johnstone, Renfrewshire, candle wick merchants.—*And. Nairn*, dec., Newburgh, baker.—*A. King*, Edinburgh, mill master.—*David Watson*, Coathbridge, spirit dealer.

#### DECLARATIONS OF INSOLVENCY.

*John Sugden*, Pudsey Far-town, Calverley, Yorkshire, clothier.  
*Joseph Midgley*, Barnsley, Yorkshire, tailor.  
*John Tempest*, Glusburn, Kilnwick, Yorkshire, joiner.  
*Henry Scott*, Woodhouse, Bingley, Yorkshire, farmer.  
*William Gamble*, Manchester, omnibus driver.  
*William Watkins*, Cumberland-mews North, Bryanstone-sq., St. Mary-le-bone, Middlesex, hackneyman.  
*Thomas Lewis*, Manchester, butcher.  
*Richard Drake Browne*, Exeter, out of business.  
*William Boardman*, Mottram in Longendale, Cheshire, book-keeper.  
*Thomas Laycock*, Stephen Hey, Briercliffe, Burnley, Whalley, Lancashire, weaver.  
*John Ardley Woolman*, Turner's-farm, Little Clacton, Essex, farmer.  
*John Dolan*, Liverpool, licensed victualler.  
*Hugh Harrison*, East-st., Walworth, Newington, Surrey, coffee-shop keeper.  
*James Eyears*, Hounslow, Heston, Middlesex, saddler.  
*George Bogus*, Robert-street, St. Luke, Chelsea, Middlesex, teacher in a school.  
*Thos. Lampin*, Newark-upon-Trent, Nottinghamshire, commercial traveller.  
*William Giles*, Cheltenham, Gloucestershire, baker.  
*John Spence*, Page-st., Westminster, Middlesex, paviour.  
*John Venables*, Gower-mews, Bedford-sq., Middlesex, gentleman's coachman.  
*John Showsmith*, Ilkley, Yorkshire, shoemaker.  
*Jas. Horrocks*, Brad-haw-gate, Bolton, Lancashire, tea dealer.  
*Hezekiah Barrow*, Thorne, Yorkshire, farrier.  
*Richard Burnett*, New Shanton, Durham, ticket and traffic clerk in Hartlepool Railway Company's office.  
*Nicholas Donnithorne*, Tregoney, Cornwall, gentleman.  
*William Jameson*, Great Mary-le-bone-street, Middlesex, chiropodist.  
*William Cromwell*, Bradford, Yorkshire, flour dealer.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Jan. 12 at 9.*

*Dav. Crichton*, Paris-st., Lambeth, Surrey, carpenter.—*J. Davies*, Martin's-lane, Cannon-st., London, out of business.—*Chas. Munro*, Paragon-pl., Brandon-st., Walworth, Surrey, in no profession.—*R. Beale*, High-st., Wandsworth, Surrey, plumber.—*Wm. B. Crake*, William-cottage, Wellington-pl., Stoke Newington, Middlesex, out of employ.—*Wm. Follett*, Thayer-st., Manchester-sq., Middlesex, fancy stationer.—*Ed. M. Keates*, Clarendon-street, Clarendon-sq., Somers-town, Middlesex, musician.—*Wellington Gregory*, Friday-street, Chesapeake, London, out of business.—*Wm. Peters*, Somers-

yard, Kensington, Middlesex, smith.—*Alex. Benjamin*, Bevis-marks, St. Mary Axe, London, watch maker.—*Thomas N. Coshead*, Cottage-green, Southampton-street, Camberwell, Surrey, out of business.

#### Adjourned.

*Thos. Parker*, Great Wild-st., Lincoln's-inn-fields, Middlesex, engraver.

*Jan. 15, at the same hour and place.*

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#### MEETINGS.

*John Davies*, Clunton, Clunbury, Shropshire, shoemaker. Jan. 12 at 7, Bull Inn, Bishops Castle, sp. aff.—*John Raven*, Carelton Colville, Suffolk, farmer, Jan. 5 at 12, Crown and Anchor Tavern, Lowestoft, sp. aff.

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## NEW WEEKLY NEWSPAPER.

On Saturday, the 6th of January, 1844, will be published, price 8d., in 16 folio pages, containing 48 closely printed columns, No. 1. of

**THE MUNICIPAL AND POOR LAW GAZETTE, and LOCAL FUNCTIONARY.** A Stamped Newspaper of all matters relating to Local Jurisdiction, and of General News.

In 1839, when men in England were generally expecting great political changes, one of the most practical and sagacious of our public men was reproached by his friends that he did not join with them in the discussion of the constitutional questions then in agitation. His reply is very nearly our Text—"LET ME HAVE THE LEGISLATING FOR THE PARISH; I LEAVE TO THE BOYS IN THE DEBATING SOCIETIES THE REMODELLING OF THE CONSTITUTION."

Few persons will readily acquiesce in his conclusion, for comparatively few are aware of the vast extent of interests immediately involved in Local Government; the mass of law to be administered by Local Functionaries; the prodigious number of the functionaries themselves, and the extent of funds which they raise and administer. Those, however, who are practically aware of these facts know, at the same time, that the great offices of the Home Government, with the exception of the Judiciary, are stations, comparatively, of idle show; and that when their occupiers are actively engaged, it is rather in Parliamentary warfare than in the administration of Civil Government.

England is governed by an accumulation of laws, exceeding in number and variety those of any other nation: laws of native and of foreign origin; some the growth of times antecedent to our authentic history; the rest the gradual, sometimes the fortuitous, additions of all subsequent periods: the results of general and local customs, and of the fluctuating views of the Legislature during more than a thousand years. So far as these laws depend for their execution on Public Functionaries, they are almost entirely left to LOCAL OFFICERS. England, it is believed, has a greater number of Local Officers than any territory of equal extent. In the Report on Local Taxation, it is shewn that the Local Functionaries, mostly of annual appointment, concerned only in imposing, levying, and administering local taxes, greatly exceed 180,000. In a country in which Agriculture, Manufacture, and Commerce are so actively carried on, it is obvious that the functions of these officers must be of infinite variety, and their good or bad execution of incalculable interest to the community.

The more this fact is considered, the more will it become apparent that the real Government of the country is carried on by functionaries, themselves obscure and unobserved, but the aggregate of whose duties vastly exceeds those of the central Government; and that, embarrassed as they frequently are, for the want of means of occasional information and intercommunication, their action for good and for evil is incomparably greater than that of those high officers whose places attract so much greater a share of public attention.

THE MUNICIPAL & POOR LAW GAZETTE, AND LOCAL FUNCTIONARY, is intended to afford a better means of action to this vast local machinery, by the diffusion of specific information, applicable to the varying exigencies of the times and occasions. Treatises, it is true, already exist for the Justice of the Peace, the Constable, the Overseer, the Churchwarden, and the Surveyor of Highways; but the best of them are too comprehensive to be mastered by the officers for whose use they are meant; and none of them can possibly anticipate the difficulties to which the changing circumstances of each man's position give rise. The justice of the peace, so far as his legal functions are concerned, is constantly supplied with appropriate intelligence; but even he has no periodical adviser upon the other important administrative duties with which he is invested. The Guardians of Unions have been provided, by three periodical publications, (of which Mr. Mott's "Poor Law Guide" is one), with a part of the information which we now propose to continue to them in a more comprehensive shape.

But the remaining Local Functionaries of Counties, Cities, Boroughs, Towns, Unions, Parishes, and other districts, are still wholly unprovided with the means of acquiring occasional information, or of extensive communication with each other, or with the general public. This deficiency is the cause of incalculable evil. Valuable experience, gained in one place, is lost to all others: the same difficulty is unsuccessfully encountered

again and again, in different localities, before it is found out that a general defect exists in the law, and that a general remedy is required; and when a remedy is devised and sought by one district, it cannot be enforced successfully on the Government or Legislature, for want of a common recognition of its necessity by other districts, and the consequent absence of co-operation for their common interest.

It is hoped that a *Weekly Paper*, diffusing accurate and appropriate information amongst these various members of our municipal government and the general public, will develop the greatest amount of efficiency in our Local Institutions as they exist; bring to bear a great weight of evidence in support of what is good in those institutions, and suggestive of amendment of what is bad; act on the general government, so as to secure its more active and intelligent concurrence in those matters in which the laws and constitution of the country have given it authority; and, finally, afford to the Legislature the supply of such facts as may enable it to amend defects in our Municipal Constitutions as they arise, and to avoid the ignorant and inconsiderate changes with which our Statute-Book has hitherto teemed.

THE MUNICIPAL & POOR LAW GAZETTE, AND LOCAL FUNCTIONARY, will contain intelligence Parliamentary, Legal, and Statistical, bearing on the administrative concerns of Counties and similar districts, Municipal Corporations, Poor Law Unions, Parishes and Townships, and other Districts formed for special purposes. The subjects it will be chiefly engaged on will be the Security of Person and Property, and the Preservation of the Peace by arrangements of Police-Watch and Ward, and the Local Administration of Justice; the Restraint of Vagrancy, Disorder, and Immorality, so far as Local Functionaries are, or are proposed to be, invested with such duties; Sanitary Arrangements, as relating to Inspection of Houses, Removal of Nuisances, and Drainage; the Conservation of Public Roads and Highways, by land and water, including that portion of public rights involved in the constitution of Railway Companies and other similar associations; the Temporal Obligations in respect of the Maintenance of the Church and its Officers; the Administration of the Poor Laws, and of Public Charities; the Administration of Local Trusts for Education; the Levying of Taxes; the Custody of Funds, and Organization of Officers for the execution of these and all other Municipal Functions.

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Mr. MOTT, whose "Poor Law Guide" will be incorporated in this publication, will continue to superintend the Poor Law Department, with the aid of experienced official and legal contributors. The Parliamentary and Legal and Critical Notices will be under the control of Mr. COOKE.

The Paper will be so arranged under heads, that each officer may readily refer to whatever concerns himself. Provision is made for answering all questions of a legal character which may arise in the exercise of any officer's duty; and other questions of a more practical kind, if of sufficient general interest, will be printed, for the purpose of eliciting the information of experienced men.

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\*.\* The paper will be published by A. MAXWELL & SON, Law Publishers, 32, Bell-yard, Lincoln's Inn, to whom all communications for the Editor, and Advertisements, are requested to be addressed. Orders may be sent as above, or to any Newsman in Town or Country.





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22	1	0	9	1	10	2	2	4	4	3	10	0	1	12	6	3	9	0	
23	1	0	10	1	11	2	3	3	4	4	10	1	10	1	13	7	3	11	0
24	1	0	11	1	12	2	0	2	4	4	11	12	2	14	8	3	13	0	
25	1	0	12	1	13	2	1	5	2	4	12	13	2	15	9	3	15	0	
26	1	1	2	1	14	2	2	6	2	4	13	13	5	1	17	8	18	0	
27	1	1	3	1	15	2	2	7	2	4	14	14	4	1	19	6	4	1	0
28	1	1	4	1	16	2	2	8	2	4	15	15	4	2	1	5	4	4	0
29	1	1	5	1	17	2	2	9	3	5	16	16	11	2	3	10	4	7	3
30	1	2	1	1	18	2	10	4	5	1	17	17	2	2	6	4	10	6	
31	1	3	0	1	19	2	11	6	5	2	1	18	2	7	9	8	4	14	0
32	1	3	1	1	20	2	12	8	5	3	2	18	4	8	13	0	4	17	6
33	1	4	3	1	21	6	0	2	13	11	5	4	6	8	16	6	5	1	3
34	1	5	0	1	22	6	7	2	15	2	5	5	8	8	3	0	4	5	0
35	1	5	2	1	23	6	16	6	16	2	12	4	3	4	4	4	5	9	0
36	1	5	10	1	24	6	17	10	17	5	2	16	9	3	8	6	5	13	0
37	1	6	5	1	25	6	19	3	18	3	5	8	0	9	12	8	5	17	6
38	1	7	8	1	26	7	13	0	19	5	9	3	5	10	17	2	6	2	0
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LONDON, DECEMBER 30, 1843.

In a case recently before the Lord Chancellor, a question was raised, whether the court has jurisdiction to issue a commission of lunacy against an alien. The point arose on a petition for a commission to be issued against a lady of rank, admitted to be an alien born, but alleged to be domiciled in this country. This petition was opposed by a counter petition, presented by the person being the head of the lady's family in the country of her birth; firstly, denying the jurisdiction of the court, and claiming the custody of the supposed lunatic, on the ground of his title by the law of the foreign country; and, secondly, praying, if the court exercised jurisdiction, that the counter petitioner and not the original petitioner should have the carriage of the commission. The question of jurisdiction was not decided, as the real contest between the parties appeared to be, who should have the carriage of the commission, and an order was, we believe, taken by consent, admitting, *de facto*, the jurisdiction, and leaving the substantial question, viz. the carriage of the commission, to be determined on a further application to the court.

That the jurisdiction of the court, to issue a commission against an alien, exists, appears by no means clear. The foundation of it is the stat. 17 Edw. 2, stat. 1, commonly called "The Statute de Prerogativa Regis." This statute relates, among other things, to the custody of idiots and lunatics. With regard to the former, it enacts, by c. 9, "that the King shall have the custody of the lands of natural fools, taking the profits of them, without waste or destruction, and shall find them their necessities, of whose fee soever the lands be holden; and after the death of such idiots, he shall render it to their right heirs, so that such idiots shall not alien, nor their heirs shall be disinherited." And, by c. 10, which relates to what are now called lunatics, it enacts, that "the King shall provide when any (that before time hath had his wit and memory) happen to fall of

his wit, as there are many, per lucida intervalla, that their lands and tenements shall be safely kept, without waste or destruction, and that they and their household shall live and be maintained competently with the profits of the same; and the residue, besides their sustentation, shall be kept to their use, to be delivered unto them when they come to right mind, so that such lands and tenements shall in no wise be aliened; and the King shall take nothing to his own use; and if the party die in such estate, then the residue shall be distributed for his soul by the advice of the ordinary." The custody of idiots appears to have belonged to the Crown by the common law, though this is not quite clear; (see 2 Reeve's Hist. 307); but, with regard to lunatics, there seems more reason to apprehend that the custody of them did not belong to the Crown till the 17 Edw. 2. "It should seem," says Mr. Reeve, (after quoting Fleta as to the Custody of Idiots), "that, from the manner in which that author expresses himself, there was in his time (during the reign of Edw. 1) no provision of a similar kind for the protection of the persons and estates of lunatics." But whether the jurisdiction over lunatics existed at the common law or not, it is quite clear that there is no trace of what the common law was on this subject, excepting so far as it is declared by the statute of Edward, and we must therefore look to that statute to find what the law is. Now the language of the 10th chapter, above quoted, contains, we submit, strong intrinsic evidence that it does not extend to aliens, although it does not, in terms, exclude them, and notwithstanding the generality of the words "when any happen to fall," &c. It will be observed, that the only kind of property mentioned in the statute is "lands and tenements." Lands, it is clear, could not then, and cannot at this day, be holden by an alien to his own use. And as to the word "tenements," although some kinds of property falling within that designation might be holden by an alien for his own use, yet if we observe that this statute plainly has in view



only tenements yielding rents or profits, and therefore cannot be thought to have any reference to tenancies at will, or from year to year, of a mere house for habitation, at a rack rent; and if we remember that an alien could not hold a lease of lands, (Co. Litt. 2), and that, at the period at which the statute was passed, (1324), there could scarcely be any other species of tenement yielding rents and profits, it follows, that the statute speaks only of such property as an alien could not hold to his own use; and that if, upon the true construction of that statute, it extends to an alien lunatic, then it has this very singular effect,—that it gives to the Crown the valuable jurisdiction of holding for the use of the lunatic, and expressly freed from all beneficial interest in the Crown, such property of the lunatic, as he never could have held to his own use, but only to the use of the Crown. The necessary inference is, that the statute had not in contemplation, and that its words do not include, alien lunatics.

There are, we believe, no direct authorities upon this point. It has been indeed decided, that, where the person of the lunatic is amenable to the jurisdiction, the circumstance of his property being abroad will not prevent the exercise of it; (see *Ex parte Annandale*, Amb. 80, and the cases there referred to); and it has also been decided, that, where the property is within the jurisdiction, the court will issue a commission, although the alleged lunatic be abroad; (*Ex parte Southcot*, 2 Ves. sen. 401); but, in all the cases falling under both these heads, there was no question about the alleged lunatics being the King's subjects; and, from the language used by Lord Hardwicke in *Ex parte Southcot*, there is much reason to conceive, that he had no idea of the jurisdiction existing, except with reference to the King's subjects; for, in discussing the difficulty of framing and directing the commission, his Lordship distinguished between the ancient writ to the escheator or sheriff of the county, and the modern commission in nature of such writ:—"I cannot, he says, find any precedent of the writ to the escheator to inquire of the lunacy of any person, which I take to arise from hence; the escheator was an officer of the county to inquire of the revenue of the Crown; and, therefore, where lands came to an alien, or on forfeiture or on death of a tenant in capite to the King, where the guardianship came to the Crown, the writ went properly to the escheator to inquire, because it was for the profit and interest of the King, and the escheator was an officer for revenue of the Crown. But in the case of a lunatic, where the King is to take no profit to himself, but merely a right arising from the care, the King, as father of his country, is to take of all his subjects not capable to take care of themselves, there should be no writ to the escheator, who, I believe, was not a proper officer for that." Now, although an alien is, as well by the law of this country as by the law of nations, subject to its laws, he is not, in the proper sense of the term, the Queen's subject; and we apprehend, that, when Lord Hardwicke speaks of the King's duty, as *parens patrie*, to take care of his subjects, he must be understood to mean not all persons who for the time being are subject to the laws, but those only who are, in the full sense of the term, subjects of the Crown. There may have been cases in which commissions have been issued against persons actually being aliens, but none such are, we believe, to be found in the printed reports; and unless authorities to that effect can be produced, where the point has been determined upon argument, we submit to the learned reader that the language of the statute, (on which, whether it created *de novo*, or only declared the law, the whole jurisdiction rests), and the very slender information afforded by the dicta in the reported cases, are rather against, than for the existence of the jurisdiction of the Great Seal to have the custody of the person and property of an alien lunatic.

## Abstracts.

*A Treatise on the Evidence of Abstracts of Title to Real Property.* By JOHN YATE LEE, Esq., of Lincoln's Inn, Barrister. London: 1843, 8vo., pp. 543. [Blenkarn.]

The only "evidence of abstracts" that occurs to us is ocular demonstration—a slender subject for so large a book; and accordingly, upon looking further, we find that the subject is not evidence of abstracts, but evidence of title; and, further, that the evidence afforded by the title of the book is fully corroborated by its contents, which completely establish the author's inability to express himself clearly, or even grammatically. The book, to speak without circumlocution, is, both in style and arrangement, a *muddle*. Of the manner in which the author contrives to talk nonsense, the following specimens (*in pari materia*) may suffice. An attentive study of the first of them will reward the learned reader with the discovery of several strikingly new points:—

"With a good legal title, a purchaser runs much less risk, and may generally defend himself much better from the consequences of notice, in various ways, than he can if he has merely an equitable interest; therefore, to give a purchaser, who has only an equity, notice of various facts, often serves to expose him more to the hostile attacks of an opponent. See, upon this subject, namely, fraud committed, in which the purchaser, even though he had no notice, but not having the legal estate, was fixed with the consequences of the fraud. *Daubeny v. Cockburn*, 1 Mer. 626." (P. 44).

"A volunteer, coming in under an equitable owner, must take subject to all other equities; but an assignee for valuable consideration will, in most cases, hold his equitable interest discharged from the claims of other incumbrancers, when he comes in under another who has paid a valuable consideration, or under a volunteer, provided he had not had notice of such liens prior to the payment of the consideration money. (*Forth v. Duke of Norfolk*, 4 Madd. 503, and the opinion of Mr. Serjt. Hill, there cited; 1 Fonbl. Treat. on Equity). This is the consequence of the general rule, that the purchaser of an equitable interest takes it, subject to all subsisting equities. (*Ord v. White*, 3 Beav. 365). This must, however, be taken with some limitation. An equitable owner shall not be postponed to the equity claimed by another, when that other might, by suitable prudence, have made known his rights, but has neglected to do so, whereby the subsequent claimant has been misled. But if, at the time a subsequent incumbrancer lent his money or acquired his equitable interest, he had notice of the other prior equitable claims, of course he must always stand deferred. Notice deprives one who is merely an equitable owner of almost every advantage which he might otherwise claim." (P. 132). How an assignee of the legal estate can protect himself against the effect of notice is not stated, unless the following passage contains the secret:—"The strength gained to a party by having the legal estate is extended not only to protect one who comes in without notice and without fault, but even against secret acts, which no reasonable diligence on the part of a purchaser could discover." (P. 133). With like precision, we are told, in p. 57, that, by sect. 24 of the stat. 3 & 4 Will. 4, c. 74, "Where a married woman would, if single, be the protector, she or her husband together shall be the protectors of the settlement." A little further on there is a passage which baffles our comprehension most completely:—"Sometimes trusts, or deeds containing imitations in trust, are referred to by the court-rolls,

'and must be considered binding on the lord, *even prior to the late Wills Act.*'

If the book contained nothing more distinct or intelligible than this, its possessors could scarcely sustain any damage from it, beyond the loss of their money and time; but the author does occasionally make his revelations in less obscure and oracular phrase, and we are sorry to say, that in these cases the accuracy of his assertions is not always co-extensive with their distinctness. Indeed his work is so replete with error and indistinctness, that whoever consults it will stand a very even chance of being either mystified or misled with respect to the matter in hand. Unintelligible in plan, inconvenient, by reason of the absence of side-notes or particular headings, to consult; defective and meagre in detail, on account of the variety of general and irrelevant topics which occupy the room that should have been confined to the subject of evidence; and unsatisfactory and erroneous in execution—the book would have been discreditably to a tyro, and really deserves no mercy, when it is presented to the profession as the result of the first ten of a conveyancer's fifteen years of practice, and of frequent communications with the late Mr. John Tyrrell. Our readers will, probably, be satisfied with the following instances in proof of our charge of inaccuracy:—

In p. 1, we are told that it is the duty of the vendor's solicitor to set forth a statement of all judgments subsisting against a vendor; "judgments having become, 'by the 1 & 2 Vict. c. 110, s. 13, a specific charge on 'almost all kinds of property, and not as formerly, 'merely a general lien.'" We need scarcely say, that, as far as purchasers without notice are concerned, judgments stand on the same footing as they formerly did. To call real property exclusively "almost all kinds of property," is, to say the least, a very loose mode of expression.

In the next page, our author's style does not shame his matter in point of accuracy. He thus states the rule as to time within which contracts must be performed:—"Even where nothing as to time is mentioned, 'it may, from the nature of the property which is the 'subject of the contract, be of the essence of the contract; as, for instance, where the property sold is held 'for lives or years, or which is of a fluctuatory or transitory nature, or where it is a reversion, or a lease renewable under an ecclesiastical body.'" We are then told, that, "where, in regard to the completion of a purchase, the time specified by the agreement is fixed 'at so many months, it has been held, that calendar, 'not lunar, months, are to be intended. (*Lang v. Gale*, '1 M. & S. 111).'" Would not every reader conclude, that the Court of King's Bench, in *Lang v. Gale*, had decided, that, in a contract for the sale of lands, the word "month," standing unexplained, means calendar month, instead of deciding, as they really did, that though in such contracts, as in all others, except certain mercantile contracts, the word "month" alone means lunar month, yet, in that particular case, the parties could not have intended that meaning, because they had expressly stated the day on which a period of time, made up of aggregate periods, each described as consisting of so many months, would determine, and the date so given would have been incorrect if calendar months had not been taken?

In p. 3, we are told, without any qualification, that, where the contract is avoided, the purchaser may recover from the vendor the fees paid to counsel for opinions and observations on the title.

P. 5 makes known that probates of wills and letters of administration are deposited in public offices; and not, as is generally supposed, delivered into the possession of the executors or administrators, whose title they evidence. And this is followed up in the next page by a statement, as the better opinion, that a purchaser is

not entitled to production of the copies of court-roll, but may be referred to the rolls themselves; on the authority of *Doe v. Olley*, (12 Adol. & Ell. 481), which decided that the rolls themselves are good evidence. It would have been but respectful to Mr. Baron Alderson to have adverted to his decision in the case of *Whitbread v. Jordan*, (1 You. & C. 303), in which a legal mortgagee of copyholds was postponed to an equitable mortgagee by deposit, on the sole ground of his having trusted to the court-roll, and neglected to call for the copies. Sir E. Sugden lays down the rule, without any qualification, that the purchaser is entitled to the production of copies of court-roll just like other documents of title. (2 Vend. 86).

In p. 10, we are told that quit-rents are not incumbrances, any more than land-tax, but are the common burthen to which almost all lands are presumed to be subject. But, in another place, the purchaser meets with still harsher usage, for he is told (p. 12) that though the vendor, by his conditions, promises an indemnity, he is not bound to make it effectual.

In page 49, we find the following clear and accurate account of the doctrine of estoppel:—"Estoppel is a 'rule of law by which rights or titles may be bound, 'although no property or interest actually passes by the 'operation of the instrument. Indeed, it was formerly 'considered, that there could be no estoppel when any 'interest did pass; but that doctrine was disallowed in 'the late case of *Doe d. Christmas v. Oliver*, (10 B. & 'C. 181), where a fine was first allowed to operate by 'estoppel, and then to transfer the interest of some of 'the parties." We will not pretend to dismiss the difficult doctrine of estoppel so summarily as our author is able to do; and will only observe, that estoppel, properly speaking, binds the person, not the right or title; and that the important decision in *Doe v. Oliver* (following the doctrine in *Weal v. Lower*, Pollexf. 54) was not, that there can be an estoppel when an interest passes, but that the estoppel, being first created in the absence of any interest, binds the interest when it subsequently accrues to the person estopped, and passes it by the assurance which creates the estoppel; in other words, that the interest, when it accrues, feeds the estoppel—a very anomalous, but very convenient, doctrine.

In page 58, we have revived, without any note of doubt, the erroneous and exploded opinion, that a feoffment by a termor, followed by a fine and five years' non-claim, bound the reversioner absolutely.

Page 74 contains a form of attestation of a will under the present law:—"Signed by the testator, A. B., as and 'for his last will and testament, in the presence of us, 'who, being both present at the same time, did, in his 'presence and in the presence of each other, subscribe 'our names as witnesses." No form of attestation is required by the act; and if one is used, it should state exactly every requisite to the due witnessing of the will, both as a guide to the parties at the time, and for the purpose of raising a presumption, if better evidence fail. A form of attestation, which omits any material circumstance, (as our author's does, viz. the circumstance that the testator signed the will in the joint presence of the witnesses), is positively mischievous, as tending to mislead the parties, and as liable to raise a presumption against the due witnessing of the will in case the witnesses should die or forget the circumstances before proof.

After our will has escaped these perils, and having been proved, has to be construed, it seems that, according to the established practice of the courts, *parol evidence* is admissible to explain devises or bequests in wills; when there is something doubtful *dehors* the will requisite to be cleared up, or where the will would be inoperative without such additional explanatory evidence. (2 Ves. jun. 587; 6 B. P. C. 193; 1 Swanst. 661; Mer. 384). But a doubt apparent upon inspection of a will

'or deed must be cleared up by the inspection of the instrument itself; (see *Cheney's case*, 5 Rep. 136, Salk. 232); the former of these is called an ambiguity latent, the latter a patent ambiguity." On so important a subject, one would have expected a little less ambiguity, and some reference to the numerous modern decisions; or at least that the position, that an ambiguity apparent on inspection of the instrument cannot be explained by extrinsic evidence of intention, should have been qualified by reference to the decision in *Doe d. Gord v. Needs*, (2 Mee. & W. 129), which established the distinction, that an ambiguity in point of language or grammatical construction, which is necessarily patent, cannot be helped by averment; but an ambiguity arising from circumstances which render expressions, in themselves clear, of uncertain application, may be explained by extrinsic evidence, although the circumstances which raise the ambiguity are disclosed in some other part of the instrument itself. It will be observed, that the peculiarity of the evidence admitted in cases of ambiguity, viz. that it is evidence of intention, is not hinted at in the above passage; and, indeed, from what follows, it seems that the writer had no clear idea on the subject; for, having thus stated the rule in question as if it were a rule of the most ordinary instead of the rarest application, he adds, that, "Reference to a testator's circumstances, in order to explain his will, has been sometimes allowed, but only in particular and special cases."

At page 92, we are referred to the statute 11 Geo. 2, c. 19, for the law as to apportionment of rents due to a tenant for life, as if it were the only enactment on the subject; and in another part of the book, the stat. 4 & 5 Will. 4, c. 22, is stated, without any reference to the improvements in the law as to apportionment of rent on leases contained in its first section.

The Prescription Act (2 & 3 Will. 4, c. 71) has established three distinct rules of prescription applicable to three distinct classes of right. With respect to rights of common and other profits or benefits to be taken or enjoyed from or upon the lands of others, except tithes, and rent service, and except such rights as fall within either of the classes to be next mentioned, a claim which may lawfully be made at the common law by custom, prescription, or grant, supported by proof of enjoyment, as of right, and without interruption, for thirty years, is not to be defeated by shewing the commencement of the enjoyment at any time prior to the thirty years, although it may be defeated in any other way by which, at the common law, such a claim might have been defeated. But proof of such enjoyment for sixty years establishes a right, indefeasible by any means, except proof of its origin by some express consent or agreement in writing. The second class includes claims to "any way or other easement, or any water-course, or the use of any water;" and, with respect to these claims, the periods are twenty years and forty years. But there is a proviso applicable to this class only: that enjoyment for forty years or longer shall not confer an indefeasible right where the period of forty years cannot be made up without including the time during which the servient tenement has been in lease for life, or for any term of more than three years from the granting thereof; provided the reversioner make his claim within three years from the determination of the estate for life or years. But as to the third class, namely, claims to the right of access and use of light to and for any building, proof of twenty years' actual uninterrupted enjoyment, whether as of right or not, and notwithstanding any disability, &c., establishes an indefeasible right, unless it originated in some written agreement. This being the law on this subject, what says our author? He first speaks of prescriptive rights to common with more than usual indistinctness, and closes his remarks on common without laying down any rule

as to the establishment of a prescription, or even a hint that any enactment on the subject is in existence. A short paragraph on rights of way, equally barren, follows, and then come these words:—"Rights of light, of wood, of water, are all likewise founded upon grant, prescription, or presumption: and twenty years' enjoyment is, it seems, *prima facie* evidence of such rights being well founded." [As to common of estovers, which we suppose to be meant by *rights of wood*, thirty years is, by the express enactment of the statute, the shortest period of prescription.] "The late act of 2 & 3 Will. 4, c. 71, to which we have before referred, at page 30, in speaking of lands exempted from tithes, applies very closely to claims of this nature where the right is founded on prescription." After a grossly inaccurate abstract of some of the clauses relating to the second and third classes above mentioned, our author proceeds:—"But presumptions, upon which prescriptive rights are founded, cannot be made in all cases alike; regard must be had to the interest of the parties against whom, as well as in favour of whom, the presumption is made. Thus, although a tenant for years may allow a right of way for upwards of twenty years over the land in his occupation, this will not bind the lessor after the expiration of the lease, unless it appear that he was privy, and consented to the grant, or allowed the same, for he had no power to oppose the right so granted by the tenant. So, also, as to buildings adjoining rectory lands. It has been held, that, although window lights have existed upwards of twenty years adjoining such lands, no absolute right was gained thereby, inasmuch as the rector, during whose term they existed, was only tenant for life, and had no power to grant such easement; (4 B. & Ald. 579);" and thus the subject of prescription is dismissed. No reference to one of the numerous and important cases by which the construction of this extremely difficult act of Parliament has been nearly settled.

Page 129.—"Until 1 Vict. c. 26, (the Statute of Wills), it was a well-established rule, that a contract for sale, or any entire change in the equitable interest, operated as a total revocation in equity of a devise, although not at law;" innuendo, that the stat. 1 Vict. c. 26, has altered this rule. The cases of *Farrer v. Lord Winterton*, (5 Beav. 1), and *Moor v. Raibbeck*, (12 Sim. 123), have decided—what the most cursory reference to the act itself, or to any of the commentaries on it, might have taught our author—that the rule remains unaltered. If he had turned to Sir F. Sugden's work on Vendors, (vol. 1, p. 301), he would have learned better, from an author, whose opinions, he says, are, with very few exceptions, conclusively binding upon the profession. (P. 179).

In page 107, the decision in *Whitmore v. Robertson*, (8 Mee. & W. 463; commented upon, ante, p. 45), that an execution upon a judgment entered up on a warrant of attorney, not completed by sale before the fiat is not protected by the stat. 6 Geo. 4, c. 16, s. 108, or the 2 & 3 Vict. c. 29, is stated to apply to executions upon cognovits; but we are not told when the stat. 1 Will. 4, c. 7, s. 7, was repealed.

Page 184.—*Quare impedit* and *ejectment* are real actions; and as to mixed actions, it is not worth notice that any of them have been abolished.

Tithes in lay hands are, by the stat. 3 & 4 Will. 4, c. 27, subject to the same law of limitation as lands or other lay inheritances; and yet, at page 188, where this statute is treated of, we are told, that "tithes in the hands of lay impropriators come within the like exceptions or privileges as tithes in the hands of ecclesiastical persons." And, in speaking of the limitation of the right to recover a rent, no allusion is made to the important, though somewhat questionable, doctrine of *Grant v. Ellis*, (9 Mee. & W. 113), and some other

cases, that a rent service reserved upon a lease for years is not a rent within the 2nd section of stat. 3 & 4 Will. 4, c. 27. The same statute allows of adverse possession by a tenant from year to year or at will, and enables any tenant under a written lease, at a rent of 20s. or upwards, by wrongful payment of rent for a sufficient time, to transfer the reversion to a stranger, and when that is done, of course to deny his original lessor's title; and yet we are told, apropos of the Statute of Limitations, that "a tenant can never set up a title in opposition to his landlord." (P. 190).

Page 213.—The law of descent, prior to the stat. 3 & 4 Will. 4, c. 106, according to our author, required the descent to be traced from the last *purchaser*. And, he says, by that statute, the grandfather or grandmother, or other lineal ancestor of the purchaser, will inherit in preference to any relation claiming through such lineal ancestor—the father or mother, for instance.

At p. 224, the law as to the disposition of a wife's property is thus stated: we do not understand, and therefore shall not pretend to controvert the statement: "If the interest be a chose in action of the wife, charged on estates less than freehold, the husband and wife may together assign it; at least, there appear to be good reasons for the wife being joined in such case." (*May v. Roper*, 4 Sim. 360). If the interest be an independent interest, not charged at all, the husband alone may by deed assign it, if the right be immediate and not reversionary, and if reduced into possession. But if the interest be a chose in action, whether immediate or reversionary, if it be not, during the coverture, reduced into possession, no means appear to exist of transferring such an interest, so as to bind the wife surviving."

In *Walker v. Richardson*, (2 Mee. & W. 882), the cancellation of a lease to A., followed by the grant of a lease to B., was held to be evidence of A.'s assent to the transfer of the tenancy, and, therefore, of a surrender by implication of law. In *Wortley v. Gregory*, (2 You. & J. 536), a contrary decision had been made under very similar circumstances; and this latter case is cited by our author as an authority for the untenable position, that a grant of things lying in grant is ended by cancellation of the deed.

In the course of a very imperfect and inaccurate statement of the law as to liabilities to the Crown, our author says, "Debts to the Crown by bond, not recorded, are no lien upon land until the bond has been put in suit, and the debt recorded." It is scarcely necessary to say, that the stat. 33 Hen. 8, c. 39, makes the recording of such debts wholly immaterial.

We shall not puzzle our readers with our author's mis-statement of Lord Cottenham's celebrated dictum in *Whitworth v. Gurgain*, (Cr. & Ph. 325), but they might justly complain if we were to withhold from them an entirely original dictum by Mr. Lee himself, supplementary to that of Lord Cottenham, and expressed in these positive terms:—"A judgment creditor who does not take the title-deeds which are pledged [i. e. who does not perform an impossibility] can never be considered as an incumbrancer without notice." Our author cites no authority for this important position; and it is with the utmost diffidence that we venture to supply the omission by referring to *Evans v. Bicknell*, (6 Ves. 174); *Plumb v. Fluit*, (2 Anst. 432); *Farrow v. Rees*, (4 Beav. 18); cases in which a similar point was, we believe, discussed, and which will, of course, be found to support our author's position.

We have said quite enough to justify our condemnation of this book, and more than we should have inflicted upon our readers, if the subject had not been one upon which a good book was much wanted, and which we should have been very sorry to have seen preoccupied by the success of so worthless a production as the present. Most buyers of law books are too apt

to rely on the "standing" of an author, and to believe that practice alone is sufficient to make perfect; and strong evidence was necessary to disabuse them of the prepossession which the author's fifteen years of experience would naturally create in their minds in favour of his work. Had it been the careful and well-considered production of an able and laborious practitioner of that standing, we should have hailed its appearance with delight and gratitude, for the instances of such honourable payment of the debt which every successful lawyer owes to his profession are but too rare.

## London Gazette.

TUESDAY, DECEMBER 26.

### INSOLVENT.

WILLIAM FULLER, Cotton-street, Poplar, Middlesex, coal merchant.

### BANKRUPTS.

ANTHONY WELLS, Wickford, Essex, surgeon and apothecary, Jan. 6 at half-past 11, and Feb. 2 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Lambert, 4, Raymond-buildings, Gray's-inn.—Fiat dated Dec. 22.

JOHN DOBSON, Old Gravel-lane, Ratcliff-highway, Middlesex, ship carpenter, Jan. 5 at 11, and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Alsager; Sols. Hughes & Co., 17, Bucklersbury.—Fiat dated Dec. 22.

THOMAS HANCOCK, Canterbury, coachsmith, Jan. 4 at 2, and Feb. 2 at 12, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Sankey & Sladden, Canterbury; Richardson & Talbot, Bedford-row.—Fiat dated Dec. 20.

WILLIAM CHAMBERLAIN, Peckham, Surrey, linen-draper, Jan. 5 at 12, and Feb. 2 at 1, Court of Bankruptcy, London: Off. Ass. Pennell; Sol. Sole, Aldermanbury.—Fiat dated Dec. 18.

THOMAS MORRIS, Badajos-cottages, and Salamanca-place, Hertford-road, and Mortimer-road, De Beauvoir-sq., Hackney, Middlesex, builder, Jan. 10 at half-past 1, and Feb. 8 at 12, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Trott, Crown-court, Threadneedle-street.—Fiat dated Dec. 21.

ROBERT THOMPSON, Strood, Kent, draper, Jan. 6 at half-past 1, and Feb. 2 at half-past 2, Court of Bankruptcy, London: Off. Ass. Edwards; Sol. Cattlin, 39, Ely-place, Holborn.—Fiat dated Dec. 15.

CHARLES WEBB, Oxford, apothecary, Jan. 16 at half-past 2, and Feb. 2 at half-past 1, Court of Bankruptcy, London: Off. Ass. Edwards; Sols. Cook & Sanders, 1, New-inn, Strand.—Fiat dated Dec. 22.

WILLIAM BERKELEY, Union-wharf, Narrow-street, Limehouse, Middlesex, coal merchant, Jan. 4 at half-past 12, and Feb. 6 at 11, Court of Bankruptcy, London: Off. Ass. Turquand; Sol. Jorleson, 2, St. Mary-at-Hill.—Fiat dated Dec. 18.

JAMES HOLDEN, Mornington-crescent, Hampstead-road, Middlesex, builder, Jan. 4 at 1, and Feb. 6 at half-past 11, Court of Bankruptcy, London: Off. Ass. Graham; Sol. Jones, Church-court.—Fiat dated Dec. 16.

RICHARD EVERSHED, Pulborough, Sussex, timber merchant, Jan. 12 at 12, and Feb. 8 at half-past 12, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Daintrey, Petworth; Hill & Heald, Throgmorton-street.—Fiat dated Dec. 20.

JOHN JENKINS, Symond's-street, St. Luke, Chelsea, Middlesex, cowkeeper and milkman, Jan. 10 at 3, and Feb. 14 at 11, Court of Bankruptcy, London: Off. Ass. Johnson; Sol. Dickinson, St. Martin's-place, Charing-cross.—Fiat dated Dec. 23.

GEORGE HICKINBOTTOM, Burbage, Leicestershire, baker and grocer, Jan. 10 and Feb. 6 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Jarvis, Hincley; Reece, Birmingham.—Fiat dated Nov. 4.

MICHAEL HALL, Stoke Golding, Leicestershire, farmer and medicine vendor, Jan. 10 and Feb. 6 at half-past 1, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Jarvis, Hincley; Reece, Birmingham.—Fiat dated Dec. 20.

**JOSEPH NEWTON**, Wolverhampton, Staffordshire, locksmith, Jan. 6 at half-past 12, and Feb. 3 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleston; Sol. Smallwood, Birmingham.—Fiat dated Dec. 19.

**JOHN CORNISH**, Bridport, Dorsetshire, painter and glazier, Jan. 11 and 31 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Hertzel; Sols. Nicoletts, Bridport; Stogdon, Exeter; Brace, 24, Surrey-street, Strand, London.—Fiat dated Dec. 14.

**WILLIAM PRINGLE**, Morpeth, Northumberland, carrier and corn merchant, Jan. 10 at 2, and Feb. 8 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Busby, Alnwick; Cox & Stone, 33, Poultry, London.—Fiat dated Dec. 11.

#### MEETINGS.

*Richard Thos. Hicks*, Cooper's-row, Tower-hill, London, wine merchant, Jan. 16 at 2, Court of Bankruptcy, London, ex.—*J. Elliott*, Chichester, Sussex, builder, Jan. 19 at half-past 1, Court of Bankruptcy, London, and ac.—*Hen. Andrews* and *Charles Twining*, Hope Brewery, Peckham, Surrey, brewers, Jan. 19 at 1, Court of Bankruptcy, London, and ac.—*Wm. M. Smith*, Strand, Middlesex, upholsterer, Jan. 18 at 11, Court of Bankruptcy, London, and ac.—*Dudley Hart*, Cambridge, perfumer, Jan. 18 at half-past 11, Court of Bankruptcy, London, and ac.—*Ludd Fenner* and *Wm. Fenner*, Fenchurch-street, London, merchants, Jan. 18 at 11, Court of Bankruptcy, London, and ac.—*Jos. B. Montefiore*, Nicholas-lane, London, merchant, Jan. 18 at 11, Court of Bankruptcy, London, and ac.—*Robt. Thos. Fletcher*, Brentford, Middlesex, money scrivener, Jan. 18 at half-past 11, Court of Bankruptcy, London, and ac.—*John Nichols* and *Francis William Nichols*, Blandford Forum and Dorchester, Dorsetshire, carriers, Jan. 18 at half-past 11, Court of Bankruptcy, London, and ac.—*Thomas Barker* and *Rich. Atsworth*, Warrington, Lancashire, cotton spinners, Jan. 17 at 12, District Court of Bankruptcy, Manchester, and ac.; Jan. 18 at 12, div.—*John Harford* and *Wm. W. Davies*, Bristol, and Ebbw Vale and Sirhowy, Monmouthshire, iron masters, Jan. 23 at 11, District Court of Bankruptcy, Bristol, and ac. sep. est. *John Harford*; Jan. 23 at 11, and ac. joint est.—*William Scott*, Earl's Heaton, Dewsbury, Yorkshire, blanket manufacturer, Jan. 31 at 11, District Court of Bankruptcy, Leeds, and ac.; Feb. 2 at 11, div.—*John Ellis*, Mansfield, Nottinghamshire, brush maker, Feb. 12 at 11, District Court of Bankruptcy, Leeds, and ac.—*Jas. Harrington* and *Wm. Pattinson*, Woodbank, St. Cuthbert, Cumberland, calico printers, Jan. 17 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Jan. 18 at 2, fin. div.; at half-past 2, div. sep. est. *W. Pattinson*.—*And. Allen* and *Wm. Allen*, South Shields, Durham, drapers, Jan. 16 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Jan. 17 at 12, div.—*Isaac Bell*, Newcastle-upon-Tyne, earthenware manufacturer, and *John Davison*, Marton, Yorkshire, farmer, Jan. 17 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.; Jan. 18 at 11, div.—*J. Cowherd*, Huggill, Kendal, Westmoreland, Jan. 16 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, and ac.—*John L. Lucas*, Birmingham, surgeon, Jan. 17 at half-past 11, District Court of Bankruptcy, Birmingham, and ac.—*E. Miles*, Bridge-house-place, Newington-causeway, Surrey, saddlers' ironmonger, Jan. 19 at half-past 12, Court of Bankruptcy, London, fin. div.—*Thos. Nutter*, Paul-street, Finsbury-square, Middlesex, brewer, Jan. 19 at 12, Court of Bankruptcy, London, fin. div.—*John Scott*, Brick-hill-lane, Upper Thames-street, London, merchant, Jan. 19 at 11, Court of Bankruptcy, London, fin. div.—*Kenneth F. H. McKensie*, King's Arms-yard, Coleman-street, London, merchant, Jan. 19 at 2, Court of Bankruptcy, London, fin. div.—*George F. Widnall*, Edgware-road, Middlesex, Jan. 16 at 11, Court of Bankruptcy, London, div.—*Eliz. H. Foster*, Hathern, Leicestershire, tanner, Jan. 16 at half-past 1, Court of Bankruptcy, London, div.—*William Grayling*, jun., Green-bank, Wapping, Middlesex, tallow chandler, Jan. 16 at 12, Court of Bankruptcy, London, div.—*Nath. W. Corp*, Yarmouth, Norfolk, merchant, Jan. 16 at 1, Court of Bankruptcy, London, div.—*C. Hawkins*, Tottenham-court-road, Middlesex, draper, Jan. 16 at 11, Court of Bankruptcy, London, div.—*J. Ellis*, Mansfield, Nottinghamshire, brush maker, Feb. 14 at 11, District Court of Bankruptcy, Leeds, div.—*John Swann* and *James Kelly*, Fleetwood-on-Wyre, bricklayers and builders, Jan. 18 at 12, District Court of Bankruptcy, Liverpool, div.—*John Herring* and *William Herring*, Newcastle-upon-Tyne,

merchants, Jan. 16 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*Wm. Mayhew*, Crutched Friars, London, wine merchant, Jan. 19 at half-past 11, Court of Bankruptcy, London, fin. div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Jos. Geo. Poett*, University-street, St. Pancras, Middlesex, surgeon, Jan. 16 at 12, Court of Bankruptcy, London.—*Geo. Thos. Whittington*, Great St. Helens, London, merchant, Jan. 16 at 2, Court of Bankruptcy, London.—*Jos. Pierce*, Dem-street, Soho, Middlesex, licensed victualler, Jan. 16 at 1, Court of Bankruptcy, London.—*John Cowherd*, Huggill, Kendal, Westmoreland, miller, Jan. 16 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.—*Thos. Bourne*, Liverpool, corn factor, Jan. 17 at 11, District Court of Bankruptcy, Liverpool.—*Robt. Fould* and *Wm. Rennards*, Liverpool, cheese factors, Jan. 19 at 12, District Court of Bankruptcy, Liverpool.—*John Porter*, Nantwich, Cheshire, tailor, Jan. 18 at 12, District Court of Bankruptcy, Liverpool.—*F. Messenger*, Liverpool, corn merchant, Jan. 31 at 1, District Court of Bankruptcy, Liverpool.—*Thomas Eisher*, Selby, Yorkshire, linen draper, Jan. 29 at 11, District Court of Bankruptcy, Leeds.—*Thos. Witthell* and *Wm. Witthell*, Padstow, Cornwall, ship builders, Jan. 18 at 11, District Court of Bankruptcy, Exeter.—*George Wheldon*, Dudley, Worcestershire, clothier, Jan. 22 at half-past 11, District Court of Bankruptcy, Birmingham.—*George Drury*, Dudley, Worcestershire, licensed victualler, Jan. 22 at 12, District Court of Bankruptcy, Birmingham.—*Joseph Bate*, Dudley, Worcestershire, ironmonger, Jan. 22 at 12, District Court of Bankruptcy, Birmingham.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 16.*

*Rich. Kay*, Halton, Whitchurch, Yorkshire, grocer.—*Ju. Ridgway*, Manchester, merchant.—*John Anderson*, Manchester, Tootal-bridge, and Ainsworth-hall, Lancashire, calico printer.—*Jas. Vincent*, Edmonton, Middlesex, schoolmaster.

#### PARTNERSHIP DISSOLVED.

*Henry Wartnaby*, *Chris. Edw. Dampier*, and *Rich. Andrew Westbrooke*, Ware, Hertfordshire, attorneys and solicitors.

#### SCOTCH SEQUESTRATIONS.

*John Jamieson*, Greenock, surgeon.—*Joseph Martin*, Dundee, manufacturer.—*Wm. Wilson*, deceased, Dundee, merchant.—*David Swen*, Leith, underwriter.

#### DECLARATIONS OF INSOLVENCY.

*John Brinkworth*, Chippenham, Wiltshire, baker.  
*William McWhirter*, Hunale, near Leeds, Yorkshire, guard on the Manchester and Leeds Railway.  
*David Pryde*, Birkenhead, Cheshire, joiner.  
*Thomas Moreton*, Wylecop, Shrewsbury, Shropshire, mercer.  
*Saml. Akehurst*, Brighton, Sussex, out of business.  
*George Danvers*, Beaumont-sq., Middlesex, coal merchant.  
*Wm. Roberts*, Wickwar, Gloucestershire, farmer.  
*Geo. Fred. Hunter*, Bristol, grocer.  
*Wm. T. Male*, Erdington, Aston, Warwickshire, bookbinder.  
*Wm. Chas. Newport*, Little Mount-street, Newington, Surrey, attorney's clerk.  
*F. T. Welch*, Dean-street, Soho, Middlesex, out of business.  
*George Woolley*, Trinity-court, Aldersgate, London, guard to a luggage van.  
*W. Fenchner*, Kidderminster, Worcestershire, furniture dealer.  
*Wm. Pedley*, Claremont-place, Pentonville, Middlesex, dealer in bottled beer.  
*Thos. Wm. Outhwaite*, Susannah-row, Curtain-road, Shore-ditch, Middlesex, cabinet maker.  
*Richard Burge*, Lamb's Conduit-passage, Red Lion-square, Middlesex, cabinet maker.  
*G. Priest*, West Stockwith, Misterton, Nottinghamshire, joiner.  
*Saml. Miles*, Cadoxtone-juxta-Barry, Glamorganshire, grocer.  
*Alice Mayor*, Liverpool, tailoress.  
*James Hayes*, Manchester, retailer of beer.  
*John Holmes*, Sheffield, scissor manufacturer.  
*Henry Holt*, Huddersfield, cloth drawer.  
*George Tyler*, Cheltenham, Gloucestershire, cellarmen.  
*James Burrow*, Langdon, Chard, Somersetshire, farmer.  
*T. Sykes*, Lockwood, Almondsbury, Yorkshire, out of business.  
*James Wych*, Handforth-cum-Bosdon, Cheshire, publican.

*John Heathorn*, Ripley, Surrey, baker.  
*Wm. Fred. Waller*, Great Carter-lane, Doctors'-commons, London, fruiterer.

### INSOLVENT DEBTORS.

*Saturday, Dec. 23.*

*The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.*

*Wm. Steggle*, Downham-market, Norfolk, saddle maker, No. 63,652 C.; *John Heneage Skinner*, assignee.—*G. Chapman Beckett*, Liverpool, passenger broker, No. 63,768 C.; *George Loxton*, assignee.—*Thomas Chapman*, Coventry, Warwickshire, cork cutter, No. 64,076 C.; *Mark Walker*, assignee.—*John Sharp*, sen., Wheeler-gate, Nottingham, tailor, No. 64,140 C.; *Hill Wilson Manley*, assignee.—*T. Keeling*, Gloucester-cottages, New Peckham, Surrey, gentleman, No. 54,860 T.; *Morris Levy*, assignee.—*John Henry Nainby*, Regent-street, Lambeth, Surrey, gentleman, No. 55,783 T.; *Thomas Martin Wilkin* and *Thomas Pocock*, assignees.—*Geo. Lee*, Long-acre, Middlesex, tobacconist, No. 55,483 T.; *Zachariah Stanley*, assignee.—*William Batty Hodgson*, Kendal, Westmorland, licensed victualler, No. 63,625 C.; *Joseph Cafferata* and *William Nelson*, assignees.—*J. Smith*, Rock-ferry, Cheshire, tailor, No. 63,362 C.; *James Wormald*, assignee.—*John Bull*, Congleton, Cheshire, silk throwster, No. 63,429 C.; *John Egerton Ward*, assignee.—*Geo. Callaway*, Isle of Wight, Southampton, coach builder, No. 63,903 C.; *Charles Middleton Kernot*, assignee.—*Francis Govier*, Dulverton, Somersetshire, blacksmith, No. 64,084 C.; *Joseph Down*, assignee.—*J. Marston*, Birmingham, provision dealer, No. 63,989 C.; *John Tilston*, assignee.—*Jas. Parsons*, Ullenswick, Herefordshire, farmer, No. 60,600 C.; *Stephen Pitt*, assignee.—*Silasus Price Jones*, Wellington, Shropshire, retail beer seller, No. 64,278 C.; *John Lead*, assignee.—*Matthew Plomer*, Wimborne Minster, Dorsetshire, post boy, No. 64,284 C.; *William Brown*, assignee.—*C. Hepper*, Lympstone, Devonshire, innkeeper, No. 61,486 C.; *J. Cleach, jun.*, and *William Burrow Hill*, assignees.—*Wm. Thomeon*, Northampton, builder, No. 64,352 C.; *Thomas Atherton*, assignee.—*Benj. Charles Croxley*, St. Martin's-lane, Middlesex, comedian, No. 55,586 T.; *Joseph Edward Elsey* and *Charles Gould*, assignees.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 16 at 9.*

*Wm. Kirkpatrick*, New-street, Bedford-square, Commercial-road East, Middlesex, out of business.—*Geo. Titterdell*, Francis-street, Torrington-square, Middlesex, oil and colour man.—*Stafford Smith*, Devonshire-st., Queen-sq., Bloomsbury, Middlesex, extra clerk in the Legacy Duty Office, Somerset House.—*Joseph Williams*, Elm-street, Gray's-inn-road, Middlesex, spectacle maker.—*Wm. Devol*, sen., Great Distaff-lane, Old Change, London, green grocer.—*C. Henry Gaseley*, Durham-house, Eaton-lane South, Pimlico, Middlesex, out of business.—*Alexander Cowan*, Aldersgate-street, London, general dealer.—*Henry Parker*, Lower-street, Islington, Middlesex, biscuit baker.—*Wm. Dance*, Park-place, Highbury-vale, Highbury, Middlesex, artist.—*Jas. Baker*, Buckingham-street, Strand, Middlesex, out of business.—*James Wilson*, jun., Queen-street, Pimlico, Middlesex, omnibus driver.—*Chas. Flight*, Park-place, St. James's-street, Westminster, Middlesex, tailor.

### Adjourned.

*Wm. Townley*, Little James-street, Bedford-row, Middlesex, agent to a coach manufacturer.

### INSOLVENT DEBTOR'S DIVIDENDS.

*John Done*, Little Budworth, Cheshire, farmer: 8s. 6d. in the pound.—*John Chapman*, Bolton-le-Moors, Lancashire, provision dealer: 9d. in the pound.—*Samuel Pollard*, Black Griffin-lane, Canterbury, watch maker: 4s. 2d. in the pound.—*C. Henry Hunt*, Exeter, wine and spirit merchant: 1s. 1d. in the pound.—*Alexander Horn*, Hilsen, Portsea, Hampshire, master on half-pay in her Majesty's navy: 6s. 2d. in the pound.—*James Denham*, jun., Ryde, Isle of Wight, Hampshire, grocer: 6d. in the pound.—*Rich. Harrop*, Leeds, Yorkshire, attorney's clerk: 9d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

*Benj. Brasier*, Wolverhampton, Staffordshire, ironmonger, Jan. 3, Adams's, Wolverhampton: 1s. 11d. in the pound.

### MEETING.

*Wm. Drage*, Sutton, Isle of Ely, Cambridgeshire, farmer, Jan. 16 at 11, Court for Relief of Insolvent Debtors, Portugal-street, Lincoln's-inn-fields, pr. d.

**FRIDAY, DECEMBER 29.**

### BANKRUPTS.

**THOMAS WALTER VINE**, Peerless-row, City-road, Middlesex, carpenter and builder, Jan. 5 at 11, and Feb. 9 at 12, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Watson & Broughton, 5, Falcon-square, London.—Fiat dated Dec. 26.

**WILLIAM CLAUDE CARTER**, Ashford, Kent, druggist, Jan. 5 at half-past 11, and Feb. 7 at 12, Court of Bankruptcy, London: Off. Ass. Lackington; Sol. Manning, 30, Craven-street, Strand.—Fiat dated Dec. 20.

**JOHN WOLLAND and WILLIAM WOLLAND**, Exeter, and Powderham, Devonshire, turners and timber merchants, Jan. 15 and Feb. 7 at 12, District Court of Bankruptcy, Exeter: Off. Ass. Herniman; Sols. Stogdon, Exeter; Keddell & Co., 34, Lime-street, London.—Fiat dated Dec. 22.

**CHARLES POWELL**, Coventry, watch manufacturer, Jan. 9 at half-past 12, and Feb. 6 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Royle, Coventry.—Fiat dated Dec. 23.

**SAMUEL COOK**, Dudley, Worcestershire, draper, Jan. 9 at 12, and Feb. 6 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sols. Bourne & Wainwright, Dudley.—Fiat dated Dec. 18.

**THOMAS REDSHAW**, Bourn, Lincolnshire, saddler and harness maker, Jan. 8 at 12, and Feb. 12 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. Thompson, Stamford; Gem & Co., Birmingham.—Fiat dated Dec. 8.

**EVAN PUGHE**, Everton, near Liverpool, tailor and draper, Jan. 12 at 12, and Feb. 9 at 11, District Court of Bankruptcy, Liverpool: Off. Ass. Cazenove; Sols. Hime, Liverpool; Chester & Co., Staple-inn, London.—Fiat dated Dec. 21.

**WILLIAM THOMPSON**, Newcastle-upon-Tyne, merchant and commission agent, Jan. 10 at 11, and Feb. 19 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. Watson, Newcastle-upon-Tyne; Shield & Harwood, 26, Queen-street, Cheapside, London.—Fiat dated Dec. 19.

### MEETINGS.

*John Baylis, jun.*, and *James Baylis*, Gutter-lane, Cheap-side, London, crape manufacturers, Jan. 22 at 2, Court of Bankruptcy, London, aud. ac.; Jan. 23 at 11, div.—*Theophilus Jonas Sutton*, Scarborough, Yorkshire, master mariner, Jan. 19 at 2, Court of Bankruptcy, London, aud. ac.; Jan. 23 at half-past 1, div.—*Henry Edward Roberts*, Broad-st.-buildings, London, merchant, Jan. 19 at 2, Court of Bankruptcy, London, aud. ac.; Jan. 23 at 1, div.—*Richard Halford*, *Wm. Hen. Baldock*, and *Osborn Snoultten*, Canterbury, bankers, Jan. 23 at 1, Court of Bankruptcy, London, aud. ac.—*John Lashmar*, Brighthelmston, Sussex, merchant, Jan. 20 at 1, Court of Bankruptcy, London, aud. ac.—*John Milne*, High Crompton, within Crompton, Lancashire, dealer and chapman, Jan. 29 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 30 at 12, div.—*T. Farr*, Manchester, silk manufacturer, Jan. 22 at 12, District Court of Bankruptcy, Manchester, aud. ac.; Jan. 23 at 12, div.—*J. Normes*, Wade-bridge, Cornwall, grocer, Jan. 31 at 12, District Court of Bankruptcy, Exeter, aud. ac.; Feb. 1 at 12, fin. div.—*J. B. Pow*, Newcastle-upon-Tyne, ship and insurance broker, Jan. 19 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Havelock*, South Shields, Durham, corver, Jan. 22 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Thos. Hobson*, Carlisle, Cumberland, mercer, Jan. 19 at 2, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Wm. Thompson*, Monkwearmouth Shore, Durham, ship builder, Jan. 22 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.—*Chas. Beck*, jun., Finsbury-square, London, dealer and chapman, Jan. 19 at 11, Court of Bankruptcy, London, div.—*Daniel Keri Price* and *Daniel Price*, Pilgrim-street, Ladgate-hill, London, ware-housemen, Jan. 23 at half-past 12, Court of Bankruptcy, London, div.; and div. sep. est. *D. K. Price*.—*Anthony Bull*,



Bucklersbury, London, merchant, Jan. 23 at 2, Court of Bankruptcy, London, div.—*Thomas Lindford* and *John Weeks*, Canterbury, chemists, Jan. 25 at 1, Court of Bankruptcy, London, div.—*John Philipps Davies*, Davies-street, Berkeley-square, Middlesex, apothecary, Jan. 26 at 11, Court of Bankruptcy, London, div.—*Jas. Crambrook*, Deal, Kent, draper, Jan. 23 at 12, Court of Bankruptcy, London, div.—*Thomas Walker*, Poulton-in-the-Fylde, Lancashire, grocer, Jan. 23 at 12, District Court of Bankruptcy, Liverpool, div.—*J. Coward*, Huddersfield, Kendal, Westmoreland, miller, Jan. 22 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wm. Hill*, Newcastle-upon-Tyne, wine merchant, Jan. 19 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.—*James Gordon*, Liverpool, merchant, Jan. 18 at 12, District Court of Bankruptcy, Liverpool, div.; Jan. 23 at 12, div.

#### CERTIFICATES

*To be allowed, unless Cause be shewn to the contrary on the Day of Meeting.*

*Francis Kennedy*, New Bond-street, Middlesex, Jan. 19 at 11, Court of Bankruptcy, London.—*Chas. John Hunt*, Cork-street, Burlington-gardens, St. James's-street, and Quadrant, Middlesex, billiard table maker, Jan. 25 at half-past 1, Court of Bankruptcy, London.—*Jas. Brough Pow*, Newcastle-upon-Tyne, ship and insurance broker, Jan. 19 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shewn to the contrary on or before the day of Meeting.*

*Jas. C. Lister*, Wolverhampton, Staffordshire, wine merchant.—*Geo. Hall*, Birmingham, leather seller.—*T. Humble*, Ardwick, Manchester, grocer.—*John Ryan*, Stockport, Cheshire, surgeon.—*Mary Law*, *Jas. Law*, and *Rob. Law*, Rochdale, Lancashire, flannel manufacturers.—*Geo. S. Streater*, Oldham, Lancashire, contractor for public works.

#### FIATS ANNULLED.

*John Phillips*, Pinners'-hall-court, Old Broad-street, London, tailor.—*Daniel Collins*, Bennett's-place, Pollard's-row, Bethnal-green, Middlesex, silk manufacturer.

#### SCOTCH SEQUESTRATIONS.

*David Humphrey & Co.*, Ross-shire, contractors.—*Charles Fraser*, Glasgow, merchant.—*Gavin Wotherspoon*, Airdrie, trader.—*William and Dav. Paterson*, Arbroath, merchants.—*John Manson*, Kyleakin, Skye, Inverness, merchant.

#### INSOLVENT.

*William Lawson*, Oldham, Lancashire, cabinet maker.  
*John Mort*, jun., Little Bolton, Lancashire, grocer.  
*Jonathan Butcher*, Withnell, Leyland, Lancashire, shopman.  
*Isaac Olton*, Hansacre, Armitage, Staffordshire, brick maker.  
*Phebe Lane*, Notting-hill-square, Kensington, Middlesex, lodging-house keeper.  
*John Hallam*, Skipton, Yorkshire, piece maker.  
*Thos. Pycock*, Atterby, Bishop Norton, Lincolnshire, farmer.  
*Jas. Cox*, Chapel St. Mary's, near Ipswich, Suffolk, shopman.  
*Geo. Platts*, Wicker, Sheffield, Yorkshire, out of business.  
*William Jeffe*, St. Paul, Bristol, out of business.  
*Lion Gompertz*, Upper Kennington-green, Lambeth, Surrey, in no business.

*George Lea*, Syston, Leicestershire, out of business.  
*Mary Lea*, Syston, Leicestershire, out of business.  
*Wal. Hancock*, North Curry, Somersetshire, attorney at law.  
*Wm. White*, St. James's, Shaftesbury, Dorsetshire, carpenter.  
*Jon. Hardy*, Elland, Halifax, Yorkshire, labourer.  
*Cesar A. M. Count de Wuits*, Wellington-rd., Regent's-pk., St. Mary-le-bone, Middlesex, chamberlain and equerry to his Highness the Duke of Brunswick.  
*S. Heilbuth*, High-st., Shadwell, Middlesex, hardware dealer.  
*Ben. B. Beams*, Carlisle-place, Lambeth, attorney's clerk.  
*Jas. F. Bedford*, Mount Tabor, Ovenden, Halifax, Yorkshire, stone dealer.

#### INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Friday, Jan. 19 at 9.*

*Hen. Hills*, Kennington-street, Beresford-st., Walworth-road, Surrey, carpenter.—*Arthur Beloe*, Cateaton-st., London, fishmonger.—*Hugh Lloyd*, Brewer-st., Golden-square, Westminster, Middlesex, attorney at law.—*Wm. Freeman*, Westbourne-green, Paddington, Middlesex, market gardener.—*Thos. Weldon*, Pereira-place, Shepherd's-bush, and Holles-

street, Middlesex, tailor.—*Wm. Henry Cufauds*, Cross-lane, St. Mary-at-Hill, London, surgeon.—*Francis G. Francis*, Trinity-terrace, Trinity-square, Borough, Surrey, selling wine on commission.—*Chas. Eads*, Black Horse-yard, Curtain-road, Middlesex, cabriolet proprietor.

*Jan. 22, at the same hour and place.*

*Wm. Tate*, Richmond-st., Edgware-road, Mary-le-bone, Middlesex, omnibus driver.—*John Childs*, Camera-square, King's-road, Chelsea, Middlesex, out of business.—*J. Emma*, Black Lion-yard, Whitechapel-road, Middlesex, carpenter.—*Michael Beck*, Gracechurch-st., London, out of business.—*Ann Evans*, widow, Little Bell-alley, Gray's-inn-lane, Middlesex, out of business.—*J. Paul*, Ratcliffe-highway, Middlesex, paper hanger.—*J. Swash*, Baston-st., Hackney-road, Middlesex, painter.—*Wm. Boggess*, Three Colt-street, Limehouse, Middlesex, boot and shoe maker.—*Chas. Dyer*, Orme-square, Bayswater, Middlesex, out of business.

#### INSOLVENT DEBTORS' DIVIDENDS.

*Ann Morris*, Chepstow, Monmouthshire, grocer: 3s. 3d. in the pound.—*Wm. John Collier*, Savage-gardens, Tower-hill, London, out of business: 1s. 3d. in the pound.—*Rob. Ashlin*, Spalding, Lincolnshire, schoolmaster: 2s. 1½d. in the pound.—*Jon. Abbott*, Leigh-st., Burton-crescent, Middlesex, baker: 10½d. in the pound.—*Ed. Mathews*, Vauxhall-street, Lambeth, Surrey, master in the Royal Navy: 2s. in the pound.—*Geo. Totterdell*, Francis-st., Torrington-square, Middlesex, oil and colourman: 4½d. in the pound.—*W. Beacall*, George-road, Hanover-square, Middlesex, surgeon dentist: 1s. 7d. in the pound.—*Rob. Wayles*, sen., Great Windmill-street, Haymarket, Middlesex, cabinet maker: 7½d. in the pound.—*T. C. Philipps*, Swanes, Glamorganshire, cabinet maker: 6d. in the pound.—*Wm. Symonds*, Hereford, and Lambeth-road, Surrey, doctor in medicine: 6s. 0½d. in the pound.—*Samuel Nichole*, Morton, near Bingley, Yorkshire, worsted spinner: 2s. 9d. in the pound.—*Peter Francis*, Coopers'-row, Crutchfield-friars, London, baker: 10d. in the pound.—*John Brook*, Ryde, Isle of Wight, mealman: 1s. 1½d. in the pound.—*T. P. Collins*, Warren-st., Fitzroy-square, Middlesex, general dealer: 10d. in the pound.

*Apply at the Provisional Assignee's Office, Portugal-street, Lincoln's-inn-fields, between the hours of 10 and 1.*

*James Cox*, Hoxton Old-town, Middlesex, smith, Jan. 15, Waltho's, Wolverhampton: 2s. 9½d. in the pound.

#### MEETINGS.

*John Culehaw*, Rufford, near Ormskirk, Lancashire, farmer, Jan. 15 at 10, Edge's, Ormskirk, sp. affairs.—*Jos. Foss*, Cannon-street-road, Middlesex, superannuated master in the royal navy, Jan. 15 at 2, Galsworthy & Nichols's, Cook's-court, Lincoln's-inn, sp. affairs.—*John Raven*, Colville Colville, Suffolk, farmer, Jan. 12 at 12, Crown and Anchor Tavern, Lowestoft, sp. affairs.

#### LAW BOOKS.

**MR. HODGSON will SELL by AUCTION**, at his Great Room, 192, Fleet-street, (Corner of Chancery-lane), on **TUESDAY** next, Jan. 2nd, at half-past 12,

**THE VALUABLE LAW LIBRARY** of a **WEST INDIA JUDGE**, deceased; including Rannington's Statutes at Large from Magna Charta to 1 & 2 Vict., Complete Series of the Old Reports, Treatises and Books of Practice; also the Reports of Vernon, Peere Williams, Ambler, Eden, Cox, Vesey, jun., 2nd edit.; Vesey & Beames, Merivale, Swanton, Jacob & Walker, Jacob, Turner, Russell, Russell & Mylne, Mylne & Keen, Mylne & Craig, Keen, Beavan, Maddock, Simons & Stuart, Simons, Younge & Collyer, Schoales & Lefroy, Ball & Beattie, Coke, Saunders, by Pattenon & Williams, &c. &c. To be viewed, and catalogues had.

#### TO ARTICLED CLERKS.

**KEY TO THE EXAMINATION QUESTIONS**; containing full Answers to the Examination Questions from the commencement in 1835 to 1843, with references to Cases and Authorities. By the Editors of the late "Weekly Law Magazine." Be particular to ask for the KEY.

**R. Hastings**, 13, Carey-street; **Laidman & Cox**, 119, Chancery-lane, and of all Booksellers in Town and Country.

London: Printed by **WALTER M. DOWALL**, Printer, 4, PATERNOSTER ROW, and Published by **STEPHEN SWEET**, Bookseller and Publisher, 3, CHANCERY LANE. Saturday, December 30, 1844.



# The Jurist

No. 365.

JAN. 6, 1844.

With Supplement, 1s. 6d.

\* \* The following are the Names of the Gentlemen who favour THE JURIST with Reports of Cases argued and decided in the several Courts of Law and Equity:—

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Privy Council ..... { TENISON EDWARDS, Esq. of the Inner Temple, Barrister at Law.  
The Lord Chancellor's Court ..... { E. T. HOOD, Esq. of the Inner Temple, Barrister at Law.  
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Court of Exchequer .... { W. M. BEST, Esq. of Gray's Inn, Barrister at Law.  
Ecclesiastical and Admiralty Courts ..... { DR. H. I. NICHOLL, of Doctors' Commons.  
Court of Review ..... { W. W. COOPER, Esq. of the Inner Temple, Barrister at Law.

## NOTICE.

The first Number of the Annual Digest will be published with the next Number of THE JURIST. It will contain all the English cases published during the last Year in the regular Reports, THE JURIST, and the Law Journal; and also the equity cases decided in Ireland by Lord Chancellor Sugden. In reference to the wishes of (it is believed) the majority of the subscribers, the Digest of Statutes is discontinued. A complete list of the Statutes, including abstracts or transcripts of the important enactments, is published in the body of THE JURIST, immediately after each Session of Parliament.

LONDON, JANUARY 6, 1844.

It was at one time a contested point whether a post-nuptial settlement could be set aside at the suit of creditors becoming so subsequent to the settlement. It was not doubted, that, if the settlor was indebted to the extent of insolvency at the period of making the settlement, the settlement was voidable, and that, if properly impeached, subsequent creditors would be let in; but the doubt was, whether, if no creditor, being such at the time of the settlement, thought fit to impeach it, a bill could be filed by a subsequent creditor. The distinction, it must be confessed, seems somewhat fine, according to which it is to be said, that a settlement is fraudulent against A., and, if A. impeaches it for fraud, then it is also fraudulent against B.; but that, if A. does not think fit to impeach it, then it is not fraudulent against B. But still there is some fair legal ground, if the point were not, as we think it is, settled by decision, for supporting the distinction. The principle of the cases which determine that a post-nuptial settlement is void against existing creditors is very plain, and eminently just. It is simply that the existence of considerable debts at the time the debtor makes a settlement without consideration, furnishes a presumption that the settlement was made with an intent to

deceive and defraud creditors; a presumption exceedingly reasonable, if we recollect, that, in point of fact, a person indebted to the extent of insolvency, if he makes a settlement, is actually attempting to give away, nominally for the benefit of another, but really for the benefit of himself, the specific fund, which, at the very time, is the proper and only fund for the payment of his debts then actually incurred. He would be in truth giving away property of which the equitable interest was already divested out of him. Now, the existence of that fund, the apparent ownership of which was in the settlor, might be presumed to be the inducement to persons dealing with the settlor to trust him, and consequently the abstraction of it would be a fraud upon them. But, as to subsequent creditors, as the apparent ownership of the specific fund settled would no longer be in the settlor, there is not the same ground for assuming it to be the inducement to them to deal with him, nor, of course, for treating it as fraudulent as against them. In point of fact, no person dealing with another upon credit, can justly be said to be damaged by the abstraction of a fund, the existence of which as a fund belonging to his debtor he never knew, and on which therefore he never can have bona fide relied as the fund for his payment. This seems the general reasoning on which it might be attempted to support the distinction, if the question were *res integra*. But we apprehend that there is no authority for the distinction, except a late dictum which we shall presently notice, and that there is authority against it; and we should not, therefore, have thought it a fit subject for inquiry in these pages, were it not for the doubt said to be expressed in *Lush v. Wilkinson*, (5 Ves. 384), and a case of great authority, which appears at first sight to support it, (*Kidney v. Cousemaker*, 12 Ves. 136); and were it not, more particularly, that an expression of opinion fell from the Vice-Chancellor Knight Bruce, in a late case,

(*Ede v. Knowles*, 2 You. & C., N. S., 172); which appears to revive the doubt attributed to the Master of the Rolls in *Lush v. Wilkinson*.

In *Lush v. Wilkinson* the bill was filed by a subsequent creditor, alleging that the settlor was greatly indebted at the time of the settlement. The answer of the widow denied that fact, and alleged, on the contrary, that, at the time of the settlement, the settlor was very slightly indebted, and, in fact, possessed much more than he owed; and she went into evidence to prove her allegation. The plaintiff went into no evidence. The case, therefore, failed altogether in establishing the only ground on which the plaintiff could have any equity at all, viz. the fact of the settlor being indebted (to that extent, at least, which, upon all the authorities, is necessary to invalidate a settlement under the 13 Eliz.) at the time of the settlement; and to this point it was, and not to the question, whether a subsequent creditor could in no case sustain a bill, that the court directed its doubt. "You appear," said the Master of the Rolls, "as a subsequent creditor, and desire an account, in order to invalidate this settlement, by proving prior debts. I have great doubt whether you have a right to come *without proving any one antecedent debt*. . . . It is very extraordinary for a subsequent creditor to come with a fishing bill, in order to prove antecedent debts."

In *Kidney v. Coussmaker*, (12 Ves. 136), the question for determination, so far as regarded the validity of the voluntary settlement made by the testator, was, whether an inquiry could be in that suit directed, whether there were debts of the settlor in existence at the time of the settlement, and still unsatisfied; and for the purpose of determining that it was necessary to determine, whether a creditor subsequent to the settlement could set it aside, if there were no debts at the time of the settlement. Sir W. Grant expressed himself on the latter point thus:—"Though there has been much controversy, and a variety of decisions upon the question, whether such a settlement is fraudulent as to any creditors except such as were creditors at the time, I am disposed to follow the latest decision, that of *Montague v. Lord Sandwich*, which is, that the settlement is fraudulent only as against such creditors as were creditors at the time." It is observable, that, in this passage, Sir William Grant did not say, that none but a person making himself a creditor at the time of the settlement could sustain a suit to set it aside, but merely, that the settlement is only fraudulent as against creditors being so at the time. It would appear, by the marginal note of the case of *Kidney v. Coussmaker*, though it is not very clearly stated in the text, that an inquiry was directed, whether there were debts at the time of the settlement; and it is to be collected from the language of the judgment, and the care with which the case was distinguished from *Lush v. Wilkinson*, that such an inquiry was directed. The decision, therefore, so far from being that the settlement could not be impeached at the instance of a subsequent creditor, was just the contrary; because the plaintiffs were subsequent creditors, and an inquiry would have been quite useless if the rule had been, that, whether the settlor was indebted or not at the time of the settlement, a

subsequent creditor could not initiate the impeachment of it. In the case referred to in *Kidney v. Coussmaker*, (*Montague v. Lord Sandwich*), it does not appear that the question arose whether subsequent creditors could impeach a voluntary settlement. The bill was filed by parties claiming under a voluntary settlement, and the decree declares positively that the settlement was void against the persons who were creditors prior to its execution; not negatively, that, if void by reason of such existing debts, subsequent creditors could not impeach it. (See the note, 12 Ves. 148). And, by a subsequent note, (see p. 155), it appears, that, at the hearing of the cause, the Lord Chancellor expressly declared, that, if the deed was fraudulent as against existing creditors, it would let in subsequent ones.

In *Richardson v. Smallwood* (Jac. 552) the precise point was determined. There the bill was filed by a person who became a creditor after the settlement, under a covenant, for breach of which he had brought an action, and recovered damages; and *Kidney v. Coussmaker* and *Lush v. Wilkinson* were cited; but Sir Thomas Plumer held, that the bill might be sustained, if the evidence, upon further inquiries, supported the *prima facie* case made out, of a fraudulent intent at the time of the settlement against existing creditors. Were it not, therefore, for the late dictum of Vice-Chancellor Knight Bruce, we should have thought the point settled by authority; since it has been shewn, as we think, that, in *Lush v. Wilkinson*, it was not the point doubted; that *Montague v. Lord Sandwich* affords no sufficient ground for the doubt; that *Kidney v. Coussmaker* is really indirectly an authority, that a voluntary settlement may be impeached at the instance of a subsequent creditor, and that *Richardson v. Smallwood* decides the very point. In *Ede v. Knowles*, Vice-Chancellor Knight Bruce, however, thus expresses himself:—"The plaintiff does not allege by his bill that he was a creditor at the time of the settlement. I apprehend that a deed can only be set aside, as fraudulent against creditors, at the instance of a person who was a creditor at the time, though, when it shall have been set aside, subsequent creditors may be let in." (2 You. & C. p. 178). This dictum seems to re-open the question; and, in this state of the authorities, all that can be assumed as certainly safe, is, that a bill may be filed to set aside a voluntary settlement by a person making himself a creditor at the time of the settlement; and that, if the deed be set aside, the fund will become assets for subsequent creditors also.

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**MASTERS IN CHANCERY.**—The Lord Chancellor has appointed the following gentlemen Masters Extraordinary in the High Court of Chancery:—*England*: Henry Palmer, of Great Yarmouth, Norfolk; George Henry Watson, of York; William Gilbert Carey, of Calne, Wiltshire; Nelson Wilkinson, of Peterborough, Northamptonshire; Bernard Anstis, of Liskeard, Cornwall; Robert Whately Nevill, of Tamworth, Staffordshire; George Webster, of Liverpool; George Adam Bird, of Kidderminster; William Henry Brown, of Chester. *Scotland*: Patrick Davidson, of Aberdeen.

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**Court Papers.****EQUITY SITTINGS, HILARY TERM, 1844.****Court of Chancery.***Before the LORD CHANCELLOR, at Westminster.*

Thursday....Jan. 11	Appeal Motions.
Friday .....	Petition-day.
Saturday .....	} Appeals..
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday .....	18 Appeal Motions.
Friday .....	19 { (Petition-day).—Unopposed Petitions only and Appeals..
Saturday .....	20 { Appeals..
Monday .....	22 {
Tuesday .....	23 {
Wednesday .....	24 {
Thursday .....	25 Appeal Motions.
Friday .....	26 { (Petition-day).—Unopposed Petitions only and Appeals.
Saturday .....	27 { Appeals.
Monday .....	29 {
Tuesday .....	30 {
Wednesday .....	31 Appeal Motions.

**Rolls Court.***Before the Right Hon. the MASTER OF THE ROLLS, at Westminster.*

Thursday....Jan. 11	Motions.
Friday .....	Petitions in General Paper.
Saturday .....	} Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Monday .....	
Tuesday .....	
Wednesday .....	
Thursday .....	18 Motions.
Friday .....	19 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	20 {
Monday .....	22 {
Tuesday .....	23 {
Wednesday .....	24 {
Thursday .....	25 Motions.
Friday .....	26 { Pleas, Demurrers, Causes, Further Directions, and Exceptions.
Saturday .....	27 {
Monday .....	29 {
Tuesday .....	30 Petitions in General Paper.
Wednesday .....	31 Motions.

*At the Rolls.*

Thursday....Feb. 1	{ Short Causes after swearing in the Solicitors..
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Short Causes, Consent Causes, and Consent Petitions, every Tuesday at the Sitting of the Court.

**Vice-Chancellors' Courts.***Before the VICE-CHANCELLOR OF ENGLAND, at Westminster.*

Thursday....Jan. 11	(10 o'clock).—Motions.
Friday .....	{ (Petition-day).—Unopposed Petitions, Short Causes, and Petitions.
Saturday .....	13 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	15 {
Tuesday .....	16 {
Wednesday .....	17 {
Thursday .....	18 Motions.
Friday .....	19 { (Petition-day).—Unopposed Petitions, Short Causes, and Petitions.
Saturday .....	20 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	22 {
Tuesday .....	23 {
Wednesday .....	24 {
Thursday .....	25 Motions.
Friday .....	26 { (Petition-day).—Unopposed Petitions, Short Causes, and Petitions.

Saturday .....	27 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Monday .....	29 {
Tuesday .....	30 {
Wednesday .....	31 Motions.

*Before VICE-CHANCELLOR KNIGHT BRUCE, at Westminster.*

Thursday....Jan. 11	(10 o'clock).—Motions and Causes.
Friday .....	12 { (Petition-day).—Petitions, Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	13 { Unopposed Petitions, Short Causes, and Causes.
Monday .....	15 Bankrupt Petitions and Causes.
Tuesday .....	16 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	17 Bankrupt Petitions and Causes.
Thursday .....	18 Motions and Causes.
Friday .....	19 { (Petition-day).—Petitions, Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	20 { Unopposed Petitions, Short Causes, and Causes.
Monday .....	22 Bankrupt Petitions and Causes.
Tuesday .....	23 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	24 Bankrupt Petitions and Causes.
Thursday .....	25 Motions and Causes.
Friday .....	26 { (Petition-day).—Petitions, Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	27 { Unopposed Petitions, Short Causes, and Ditto.
Monday .....	29 Bankrupt Petitions and Causes.
Tuesday .....	30 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Wednesday .....	31 Motions and Bankrupt Petitions.

*Before VICE-CHANCELLOR WIGRAM, at Westminster.*

Thursday....Jan. 11	(10 o'clock).—Motions and Causes.
Friday .....	12 { (Petition-day).—Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	13 { Unopposed Petitions, Short Causes, Petitions, and Causes.
Monday .....	15 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	16 {
Wednesday .....	17 {
Thursday .....	18 Motions and Ditto.
Friday .....	19 { (Petition-day).—Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	20 { Unopposed Petitions, Short Causes, Petitions, and Causes.
Monday .....	22 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	23 {
Wednesday .....	24 {
Thursday .....	25 Motions and Causes.
Friday .....	26 { (Petition-day).—Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Saturday .....	27 { Unopposed Petitions, Short Causes, Petitions, and Causes.
Monday .....	29 { Pleas, Demurrers, Exceptions, Causes, and Further Directions.
Tuesday .....	30 {
Wednesday .....	31 Motions and Ditto.

The Petitions appointed for Fridays before Vice-Chancellor Wigram will be heard on Saturdays after the Short Causes.

**COMMON-LAW SITTINGS AND CAUSE LISTS, HILARY TERM.****Court of Queen's Bench.**  
SITTINGS—HILARY TERM, 1844.

Thursday, Jan. 11	Banc. Motions
Friday .....	Motions



	<i>Banc.</i>	<i>Nisi Prius.</i>
Saturday..... 13	Motions	.....
Monday..... 15	Motions	.....
Tuesday..... 16	Special Paper	.....
Wednesday.... 17	Crown Paper	Midd. 2nd Sitting
Thursday..... 18	New Trials	.....
Friday..... 19	Special Paper	.....
Saturday..... 20	Crown Paper	.....
Monday..... 22	New Trials	.....
Tuesday..... 23	Special Paper	.....
Wednesday.... 24	Crown Paper	.....
Thursday..... 25	New Trials	.....
Friday..... 26	Special Paper	.....
Saturday..... 27	Motions	.....
Monday..... 29	Motions	Midd. 3rd Sitting
Tuesday..... 30	Motions	London 1st Sitting
Wednesday.... 31	Motions	.....

N.B. Should Motions or the Crown Paper fail on either of the days above appointed, the Court will take the New Trial Paper.

### Court of Common Pleas.

#### SITTINGS—HILARY TERM, 1844.

	<i>Banc.</i>	<i>Nisi Prius.</i>
Thursday, Jan. 11	.....	.....
Friday..... 12	Enlarged Rules	.....
Saturday..... 13	Enlarged Rules	.....
Monday..... 15	Enlarged Rules	.....
Tuesday..... 16	Enlarged Rules	.....
Wednesday.... 17	Special Paper	Midd. 1st Sitting
Thursday..... 18	New Trials, Motions	.....
Friday..... 19	Special Paper	London 1st Sitting
Saturday..... 20	New Trials, Motions	.....
Monday..... 22	New Trials, Motions	.....
Tuesday..... 23	New Trials, Motions	.....
Wednesday.... 24	Special Paper	Midd. 2nd Sitting
Thursday..... 25	New Trials, Motions	London 2nd Sitting
Friday..... 26	Special Paper	.....
Saturday..... 27	New Trials, Motions	.....
Monday..... 29	New Trials, Motions	.....
Tuesday..... 30	New Trials, Motions	.....
Wednesday.... 31	New Trials, Motions	.....

#### REMANET PAPER OF HILARY TERM, 1844.

##### NEW TRIALS.

Midd.—Smart v. Nokes	Oxon—Walker v. Quartermane
„ Gardiner v. Walduck	Glo'ster—Smallman v. Pollard
„ Gregory v. Duke of Brunswick & an.	„ Grinnell v. Wells
„ Johnson v. Evans (pt. heard Nov. 21)	Stafford—Eyland & ors. v. Windle & ors.
„ Sinclair v. Hannen	York—Hudson v. Fawcett
„ Clarke v. Alexander	Durham—Grant, qui tam v. Matthewson
„ Jones & an. v. Berger	„ Robson v. Jonnasohn & an.
Surrey—Kavanagh v. Gudge	„
Wilts—Long, jun. v. Toogood	Liverpool—Stead v. Williams
Brist.—Wilkins v. Broomhead	Notts—Sharpe v. Hancock
Berks—Cooper v. Taylor	

##### ENLARGED RULES.

<i>To 2nd Day.</i>	<i>To 5th Day.</i>
Wright v. Newton	Oram v. Shearman
<i>To 3rd Day.</i>	Ford v. Casse
Clark v. Smith	<i>Enlarged Generally.</i>
<i>To 4th Day.</i>	Johnson & ors. v. Shaw & an.
Hodge v. Bird	

##### SPECIAL PAPER.

Brockbank v. Anderson

##### CUR. ADV. VULT.

<i>Appeal Cases.</i>	<i>Appellant.</i>	<i>Respondent.</i>
Bradford, Borough of	....	Allan v. Waterhouse
Greenwich, Borough of	..	Dobson, Knt. v. Jones

### Court of Exchequer.

#### SITTINGS—HILARY TERM, 1844.

	<i>Banc.</i>	<i>Nisi Prius.</i>
Thursday, Jan. 11	.....	.....
Friday..... 12	Peremptory Paper	Midd. 1st Sitting
Saturday..... 13	.....	.....
Monday..... 15	.....	.....
Tuesday..... 16	.....	.....
Wednesday.... 17	Special Paper	London 1st Sitting
Thursday..... 18	Circuits chosen	.....
Friday..... 19	.....	Midd. 2nd Sitting
Saturday..... 20	Crown Cases	.....
Monday..... 22	Special Paper	.....
Tuesday..... 23	Errors	.....
Wednesday.... 24	Special Paper	London 2nd Sitting
Thursday..... 25	.....	Ditto by adjourn.
Friday..... 26	.....	Midd. 3rd Sitting
Saturday..... 27	.....	.....
Monday..... 29	.....	.....
Tuesday..... 30	.....	.....
Wednesday.... 31	.....	.....

### Court of Queen's Bench.

#### In Term.

MIDDLESEX.	LONDON.
1st sitting, Friday .. Jan. 12	
By adjournment until	
2nd sitting, Wednesday .. 17	
By adjournment until all the	
Causes appointed are tried.	
3rd sitting, (Undefended),	
Monday .. Jan. 29	Tuesday .. Jan. 30
(Sit at half-past 9 o'clock)	

#### After Term.

Thursday .. Feb. 1	Friday .. Feb. 2
	(To adjourn only).

The court will sit at eleven o'clock in term in Middlesex, except the last sitting; at twelve in London; and in both at half-past nine after term.

By Order.—No cause of trespass, trespass on the case, replevin, or feigned issues will be tried in term, but if among them any can be tried, such as assault, libel, and slander without justifications, and replevin in which payment only is in question, they will be appointed to be taken after the usual short causes.

The Marshal is authorized to postpone such as he thinks long causes.

Short defended as well as undefended causes, entered for the sitting on January 30th, will be tried on that day, if the plaintiffs wish it, unless there be a satisfactory affidavit of merits.

### Court of Common Pleas.

#### In Term.

MIDDLESEX.	LONDON.
Wednesday .. Jan. 17	Friday .. Jan. 19
Wednesday .. 24	Friday .. 26

#### After Term.

Thursday .. Feb. 1	Friday .. Feb. 2
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The court will sit at ten o'clock in the forenoon on each of the days in term, and at half-past nine precisely on each of the days after term.

The causes in the list for each of the above sitting days in term, if not disposed of on those days, will be tried by adjournment on the days following each of such sitting days.

On Friday, the 2nd February, in London, no causes will be tried, but the court will adjourn to a future day.

## London Gazette.

TUESDAY, JANUARY 2.  
BANKRUPTS.

JOHN WHEATLEY, Kennington-cross, Lambeth, Surrey, livery-stable keeper and coach proprietor, Jan. 9 at 2, and Feb. 13 at 11, Court of Bankruptcy, London: Off. Ass. Green; Sol. Harpur, Kennington-cross. — Fiat dated Dec. 29.

ROBERT STEVENS, New-cut, Lambeth, Surrey, dealer in china, glass, and earthenware, Jan. 9 and Feb. 9 at 1, Court of Bankruptcy, London: Off. Ass. Belcher; Sols. Turner & Hensman, Basing-lane, London. — Fiat dated Dec. 23.

HEWITT Fysh TURNER, Myddleton-street, Clerkenwell, Middlesex, painted baize manufacturer, Jan. 12 at half-past 12, and Feb. 13 at 11, Court of Bankruptcy, London: Off. Ass. Graham; Sols. Taylor & Co., Great James-street. — Fiat dated Dec. 29.

DONALD NICHOLSON, Liverpool, hatter, Jan. 13 at 12, and Feb. 9 at 1, District Court of Bankruptcy, Liverpool: Off. Ass. Turner; Sols. Hime, Liverpool; Pritchard, 9, Staple-inn, Middlesex. — Fiat dated Dec. 20.

WILLIAM WOOD and HENRY PORT, Burton-upon-Trent, Staffordshire, screw manufacturers, Jan. 10 at 12, and Feb. 17 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sols. John and Joseph Richardson, Burton-upon-Trent. — Fiat dated Dec. 22.

JOSEPH BAYLIS, Aston-juxta-Birmingham, victualler, Jan. 10 at half-past 12, and Feb. 10 at half-past 11, District Court of Bankruptcy, Birmingham: Off. Ass. Bittleson; Sols. Benson, Birmingham; Chilton & Co., Chancery-lane, London. — Fiat dated Dec. 27.

BENJAMIN SMITH, Tipton, Staffordshire, grocer and baker, Jan. 12 at 12, and Feb. 6 at 11, District Court of Bankruptcy, Birmingham: Off. Ass. Christie; Sols. Motteram & Giddy, Birmingham. — Fiat dated Dec. 28.

GEORGE HOLDSWORTH, Northowram, Halifax, Yorkshire, worsted spinner and manufacturer, Jan. 12 and Feb. 5 at 11, District Court of Bankruptcy, Leeds: Off. Ass. Freeman; Sols. L. and E. N. Alexander, Halifax; Courtenay, Leeds; Emmett & Allen, Bloomsbury-square, London. — Fiat dated Dec. 23.

## MEETINGS.

*Wm. Ryland*, Liverpool, tanner, Jan. 15 at half-past 11, District Court of Bankruptcy, Liverpool, pr. d.—*Joe. Rhodes*, Leeds, Yorkshire, woolstapler, Jan. 25 at 11, District Court of Bankruptcy, Leeds, sp. aff.—*Bartholomew Dowell*, Durham, builder, Jan. 9 at half-past 1, District Court of Bankruptcy, Newcastle-upon-Tyne, last ex.—*William Woodward*, Ravenscourt-park, Hammermith, builder, Jan. 23 at 11, Court of Bankruptcy, London, aud. ac.—*Rob. Youd* and *Wm. Renards*, Liverpool, cheese factors, Jan. 25 at 11, District Court of Bankruptcy, Liverpool, aud. ac.—*John Warburton*, Liverpool, tailor, Jan. 23 at 1, District Court of Bankruptcy, Liverpool, aud. ac.; Jan. 31 at 1, div.—*Robert S. Colpitts*, Newcastle-upon-Tyne, grocer, Jan. 24 at half-past 12, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 26 at 11, div.—*Wm. Looney*, Whitehaven, Cumberland, cooper, Jan. 23 at half-past 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 24 at 11, fin. div.—*Geo. Allison*, Darlington, Durham, scrivener, Jan. 23 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, aud. ac.; Jan. 24 at 11, fin. div.—*Jas. Blair*, Uttoxeter, Staffordshire, money scrivener, Jan. 24 at half-past 11, District Court of Bankruptcy, Birmingham, aud. ac.—*John B. Ricketts*, Lead-enhall-street, London, Jan. 23 at half-past 12, Court of Bankruptcy, London, div.—*Jas. B. Pow*, Newcastle-upon-Tyne, ship and insurance broker, Jan. 26 at 11, District Court of Bankruptcy, Newcastle-upon-Tyne, div.—*Wm. Thompson*, Monkwearmouth Shore, Durham, ship builder, Jan. 23 at 12, District Court of Bankruptcy, Newcastle-upon-Tyne, fin. div.

## CERTIFICATES

To be allowed, unless Cause be shown to the contrary on the Day of Meeting.

*Wm. Dickinson*, Abbey-hill, Bexley, Kent, and Mill-wall, Poplar, Middlesex, merchant, Jan. 25 at half-past 1, Court of Bankruptcy, London.—*Jas. Nutter*, Cambridge, miller, Jan.

23 at 12, Court of Bankruptcy, London.—*Thomas Coleman* St. Albans, Hertfordshire, licensed victualler, Jan. 25 at 1, Court of Bankruptcy, London.—*Thomas Baker*, High-street, Camberwell, Surrey, carpenter and upholsterer, Jan. 25 at 2, Court of Bankruptcy, London.—*David Aumonier*, Wigmore-street, Cavendish-sq., Middlesex, jeweller, Jan. 23 at 12, Court of Bankruptcy, London.—*John Ward*, Jan. 27 at 12, District Court of Bankruptcy, Birmingham.

To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 23.

*Anthony Gordon*, *Wm. Cartwright*, and *James Blackett*, Manchester, machine makers.—*Thomas Wm. Horder*, Fenchurch-street, London, chemist.—*Richard Hodgson*, Sunderland, Durham, tea dealer.

## PARTNERSHIPS DISSOLVED.

*J. Walker* and *J. Cunliffe*, jun., Preston, Lancashire, attorneys and solicitors.—*Richard Randall* and *John S. Eldridge*, Southampton, attorneys at law, solicitors, and conveyancers.

## SCOTCH SEQUESTRATIONS.

*Robert Ewing*, Largs, Ayrshire, wright.—*Thos. Finlayson*, Tain, maltster.—*Wm. Paterson & Co.*, Kelly Bleachfield, Arbricht, bleachers.—*Francis Robertson*, Dundee, merchant.—*Wm. D. Lapraik*, Glasgow, wright.—*Robert and David Ferguson*, Dundee, sail makers.

## DECLARATIONS OF INSOLVENCY.

*Ellen Ann Evans*, Great Surrey-street, Blackfriars-road, Surrey, tobacconist.

*James H. Crispin*, Eagle-street, City-road, Middlesex, clerk in the Money Order Department of the General Post Office.

*William Southon*, Upper Seymour-street, St. Pancras, Middlesex, out of business.

*Wm. Roberts*, Wickwar, Gloucestershire, farmer.

*Wm. Wildsmith*, Wolverhampton, Staffordshire, warehouse clerk.

*Chas. B. Pool*, Halifax, Yorkshire, brace manufacturer.

*Harriet Bernard*, Regent-street, Westminster, Middlesex, professor of phalacromiass.

*Geo. Fred. Hunter*, Bristol, grocer.

*Joe Harrison*, Lockwood, near Huddersfield, Almondbury, Yorkshire, grocer.

*John Scaddlethorp*, Sherburn, Yorkshire, innkeeper.

*John Wilsdon*, Welwyn, Hertfordshire, wheelwright.

*Wm. Avis*, Newmarket, Suffolk, tailor.

*Edward Jones*, Lulsley, Suckley, Worcestershire, farmer.

*W. Peat*, jun., Yeadon, Guiseley, Yorkshire, out of business.

*Thomas Corlaas*, Keighley, Yorkshire, licensed victualler.

*Wm. Harwood*, York, tobacconist.

*Matthew Robinson*, Charlotte-street, Chalk-road, Islington, Middlesex, carpenter.

*Robt. Henry Rodwell*, Providence-place, Kentish-town, Middlesex, piano-forte maker.

*Arthur Henry Henn*, Somerset-place, New-road, Commercial-road East, Middlesex, coal merchant.

*John Hallam*, jun., Skipton, Yorkshire, piece maker.

*Orswald Moseley*, Hazel-grove, near Stockport, Cheshire, attorney at law.

*Samuel Adams*, Coventry-road, Aston, Birmingham, veterinary surgeon.

*John Eccles*, Dudley, Worcestershire, horse dealer.

*William Moore*, St. James, Bury St. Edmunds, Suffolk, stage coach driver.

*Mary Ann Marshall*, Newcastle-street, Strand, Middlesex, milliner.

*John Briden*, Paddington-street, St. Mary-le-bone, Middlesex, corn dealer.

*George Dixon*, Margate, Kent, parish clerk.

*Samuel Walker* and *James Walker*, jun., Greetland, Halifax, Yorkshire, cloth weavers.

*Josiah Josias Henry Lewis*, Brixton-hill, St. Mary, Lambeth, Surrey, omnibus driver.

## INSOLVENT DEBTORS.

Saturday, Dec. 30.

The following Assignees have been appointed. Further Particulars may be learned at the Office, in Portugal-st., Lincoln's-inn-fields, on giving the Number of the Case.

*Henry Omer*, Chatham, Kent, Purser in the Royal Navy, No. 38,675 C.; *Samuel Sturgis*, new assignee, in the room of *Charles Sugars*, removed.—*John Jenkins*, Barrett-street, Lam-

Beth, Surrey, baker, No. 55,979 T.; George William Andrews and Henry Davan Wetton, assignees.—*Benj. Holloway*, Portland-terrace, St. John's-wood, Mary-le-bone, Middlesex, baker, No. 56,032 T.; John Miller, assignee.—*John Elford Ebor*, Basket-street, Plymouth, Devonshire, innkeeper, No. 63,459 C.; George William Corrie, assignee.—*Hen. Martin*, North-street, Havant, Hampshire, innkeeper, No. 64,331 C.; Samuel Gloyne, assignee.—*Francis Kiy*, Dorking, Surrey, chemist, No. 56,010 T.; James Manley, assignee.—*Thomas Edwards*, Llangollen, Denbighshire, tanner, No. 64,060 C.; Thomas Bury, assignee.

*The following Prisoners are ordered to be brought up before the Court, in Portugal-st., on Tuesday, Jan. 23 at 9.*

*John Baber*, Duke-street, Grosvenor-square, Middlesex, hair dresser.—*Thos. Jerome*, jun., Roman-road, Old Ford, Bow, pawnbroker.—*Reuben Artus*, York-buildings, York-st., Walworth, Surrey, plasterer.—*Auguste Lamany*, Oxford-market, Middlesex, buhl cutter.

#### Adjourned.

*Chas. Neall*, Twickenham, Middlesex, grocer.

#### INSOLVENT DEBTOR'S DIVIDEND.

*Geo. Turner*, Alnwick, Northumberland, master on the half-pay list of the Royal Navy, Jan. 8, Carr's, Alnwick: 3s. 3d. in the pound, (in addition to a former of 7s. 3d.)

#### MEETING.

*Wm. Older*, Coppice-style-house, Iping Marsh, near Midhurst, Sussex, broom maker, Jan. 23 at 3, Albery's, Midhurst.

#### FRIDAY, JANUARY 5.

#### INSOLVENT.

**WILLIAM BEARUP**, Newcastle-upon-Tyne, joiner and builder.

#### BANKRUPTS.

**WILLIAM FULLER**, Cotton-street, Poplar, Middlesex, coal merchant, Jan. 13 at 12, and Feb. 16 at half-past 12, Court of Bankruptcy, London: Off. Ass. Whitmore; Sol. Turner, 8, Mount-place, Whitechapel-road.—Fiat dated Jan. 2.

**JOHN MARSH EDWARD STOKES**, St. Albans, Hertfordshire, gas contractor, coal and coke merchant, Jan. 9 and Feb. 9 at 2, Court of Bankruptcy, London: Off. Ass. Pennell; Sols. Stevens & Co., 6, Queen-street, Cheapside.—Fiat dated Dec. 29.

**THOMAS SANDERS**, Ramsgate, Kent, shoemaker, Jan. 9 at half-past 2, and Feb. 6 at 2, Court of Bankruptcy, London: Off. Ass. Lackington; Sols. Venning & Co., Token-house-yard.—Fiat dated Dec. 27.

**WILLIAM PHILIP MASTERS CROFT**, Great Windmill-street, Middlesex, victualler, Jan. 19 at 12, and Feb. 16 at 11, Court of Bankruptcy, London: Off. Ass. Follett; Sol. Helder, Clement's-lane.—Fiat dated Jan. 4.

**JAMES WALKER**, Wheaton Aston, Staffordshire, machine maker, Jan. 15 at half-past 12, and Feb. 17 at 12, District Court of Bankruptcy, Birmingham: Off. Ass. Whitmore; Sol. Smith, Birmingham.—Fiat dated Dec. 28.

**FREDERICK PETERS**, Manchester, wine and spirit merchant, Jan. 17 and Feb. 8 at 12, District Court of Bankruptcy, Manchester: Off. Ass. Hobson; Sols. Edward and Robert Wm. Bennett, Manchester.—Fiat dated Dec. 30.

**GEORGE NEWTON**, Seaham-harbour, Durham, hosier and potter, Jan. 17 at 11, and Feb. 15 at 1, District Court of Bankruptcy, Newcastle-upon-Tyne: Off. Ass. Baker; Sols. T. & W. Chater and Forster, Newcastle-upon-Tyne.—Fiat dated Dec. 19.

**MICHAEL COOKE**, Evesham, Worcestershire, hotel keeper, Jan. 17 at half-past 11, and Feb. 13 at 1, District Court of Bankruptcy, Birmingham: Off. Ass. Valpy; Sol. Cheek, Evesham.—Fiat dated Dec. 28.

#### MEETINGS.

*Hen. Bunday*, Upper York-place, Portland-town, St. Mary-le-bone, Middlesex, builder, Jan. 16 at 2, Court of Bankruptcy, London, last ex.—*Rich. Collier*, Hythe and Folkestone, Kent, draper, Jan. 23 at half-past 11, Court of Bankruptcy, London, and. ac.—*Robert Kipling* and *Wm. Atkinson*, Wood-street, Cheapside, London, warehousemen, Jan. 26 at 11, Court of Bankruptcy, London, and. ac.—*Wm. Edw. Fildes*, Norwich, wine merchant, Jan. 30 at 11, Court of Bankruptcy, London, and. ac.—*Edm. Goldsbury*, Hastings, Sussex, draper, Jan. 24

at 1, Court of Bankruptcy, London, and. ac. and div.—*Jas. Bedford*, Melina-place, Westminster-road, Lambeth, Surrey, iron merchant, Jan. 24 at half-past 12, Court of Bankruptcy, London, and. ac.—*Jas. L. Woodruff*, Great Missenden, Buckinghamshire, innkeeper, Jan. 24 at 11, Court of Bankruptcy, London, and. ac.—*Rich. Sharpe*, Chelmsford, Essex, draper, Jan. 24 at 11, Court of Bankruptcy, London, and. ac.—*Jas. Lane*, sen., Stockport, Cheshire, cotton manufacturer, Jan. 29 at 1, District Court of Bankruptcy, Manchester, and. ac.; Jan. 30 at 1, div.—*George Stephenson*, Beverley, Yorkshire, grocer, Jan. 29 at 11, District Court of Bankruptcy, Leeds, and. ac.; Jan. 31 at 11, div.—*Wm. Bushell*, Evesham, Worcestershire, innkeeper, Jan. 27 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac. and fin. div.—*John Ward*, Nottingham, tailor, Jan. 27 at half-past 11, District Court of Bankruptcy, Birmingham, and. ac.; Jan. 29 at half-past 11, div.—*James Kirkpatrick*, Newport, Isle of Wight, Southampton, banker, Jan. 26 at 12, Court of Bankruptcy, London, div.—*Henry Alex. Douglas*, Winchester-house, Old Broad-street, London, merchant, Jan. 26 at 11, Court of Bankruptcy, London, div.—*Sam. Buttenshaw*, High Holborn, Middlesex, tea dealer, Jan. 6 at 2, Court of Bankruptcy, London, div.—*Wm. Humphreys*, Brighton, Sussex, wine merchant, Jan. 26 at 1, Court of Bankruptcy, London, div.—*A. Holloway*, Basingstoke, and Stratfield Turgis, Hampshire, draper, Jan. 26 at half-past 1, Court of Bankruptcy, London, div.—*Sam. Jackson* and *Thos. F. Jackson*, Bermondsey-street, Bermondsey, Surrey, woolstaplers, Jan. 26 at half-past 1, Court of Bankruptcy, London, div.—*Jehu George Bourne*, Wellington-terrace, Clapham, Surrey, carpenter, Jan. 26 at half-past 12, Court of Bankruptcy, London, div.—*Benjamin Bacon*, Anchor-street, Shoreditch, Middlesex, silk manufacturer, Jan. 26 at half-past 11, Court of Bankruptcy, London, div.—*Geo. Hammond*, sen., Havant, Southampton, common brewer, Jan. 26 at 11, Court of Bankruptcy, London, div.—*Chas. Huntsman*, High Holborn, Middlesex, chemist, Jan. 26 at 1, Court of Bankruptcy, London, fin. div.—*Pellegrino Roselli*, Lime-street, London, merchant, Jan. 26 at 12, Court of Bankruptcy, London, fin. div.—*Rich. Hatford*, *Wm. Henry Baldock*, and *Osborn Snowden*, Canterbury, bankers, Jan. 26 at 12, Court of Bankruptcy, London, div.—*Wm. Gooding*, Chatham, Kent, shoemaker, Jan. 23 at 11, Court of Bankruptcy, London, fin. div.

#### CERTIFICATES

*To be allowed, unless Cause be shown to the contrary on the Day of Meeting.*

*Charles Dawson*, North-row, Covent-garden, Middlesex, fruiterer, Jan. 26 at half-past 2, Court of Bankruptcy, London.—*Jas. Zuliani*, Commercial Sale-rooms, Mincing-lane, London, merchant, Jan. 26 at 11, Court of Bankruptcy, London.—*James Tregaskes*, Bristol, victualler, Jan. 31 at 12, District Court of Bankruptcy, Bristol.—*Henry Game Clapton*, Bristol, warehouseman, Jan. 31 at 11, District Court of Bankruptcy, Bristol.—*Wm. Esley*, Manchester, shoemaker, Jan. 29 at 12, District Court of Bankruptcy, Manchester.

*To be allowed by the Court of Review in Bankruptcy, unless Cause be shown to the contrary on or before Jan. 26.*

*Christopher Richardson*, Limehouse, Middlesex, timber merchant.—*Wm. Emery*, Halifax, Yorkshire, corn merchant.—*Thos. Farria*, Manchester-square, Middlesex, baker.—*W. Brown*, Liverpool, millwright.—*Wm. Bates*, Welbeck-street, Cavendish-square, Middlesex, auctioneer.—*David Duncan*, Derby, engineer.

#### PARTNERSHIPS DISSOLVED.

*Robt. Oldershaw* and *W. W. Oldershaw*, Islington, Middlesex, and King's Arm's-yard, London, attorneys and solicitors.—*R. B. Barrow* and *Henry Falkner*, Southwell, Nottinghamshire, attorneys and solicitors.—*John T. Tenney* and *Edward Sidebottom*, Kingston-upon-Hull, attorneys at law and solicitors.

#### SCOTCH SEQUESTRATIONS.

*Robert Forbes*, Pleassance, Forfarshire, flax spinner.—*Saml. Galbraith*, Ayr, merchant.—*J. B. MacBrayne* and *John MacIndoe*, Glasgow, merchants.—*Jas. Rowat*, Kilsyth, contractor.—*John S. Jaffrey*, Stirling, ironmonger.—*Jas. Marshall*, Thraprig, Slamanan, Stirling, grain dealer.

#### DECLARATIONS OF INSOLVENCY.

*Thomas Joy*, Liversedge, Birstall, Yorkshire, beerweller.—*G. Buckley*, Almondsbury, Yorkshire, woollen cloth spinner.

*David Morris Thomas*, Cum Amman, Bettws, Carmarthen-shire, surgeon.

*B. Woffenden*, Watergate, near Dewsbury, Yorkshire, woollen yarn maker.

*James Blunt*, Church-street, Trinity-square, Newington, Surrey, farmer.

*Thomas Hoile*, Sandwich, Kent, farmer.

*James Joseph*, Richmond, Surrey, oilman.

*Jos. Moulton*, John-street, Clerkenwell, Middlesex, gardener.

*John Even Leese*, Regent-street, City-road, Middlesex, merchant's clerk.

*James Mullens*, St. Michael, Lewes, Sussex, schoolmaster.

*P. Robinson*, Warrington, Lancashire, commercial traveller.

*John Mews*, jun., Great St. Andrew's-street, Seven Dials, Middlesex, confectioner.

*George Callaway*, King-street-terrace, Islington, Middlesex, grocer.

*Richard Lockett*, Stoke-upon-Trent, Staffordshire, beerseller.

*William Parsons*, Tottenham-court-road, St. Giles's, Bloomsbury, Middlesex, attorney at law.

*Edmund Manning*, Park-place, East-lane, Walworth, Newington, Surrey, messenger to the Board of Trade.

*Edward Tucker*, Upper Stamford-street, Christchurch, Surrey, discount agent.

*Richard Manuel*, David-street, York-place, New-road, Middlesex, carpenter and builder.

*Robert George Castell*, Goswell-street, Clerkenwell, Middlesex, tobaccoist.

*John Nicholas*, Dudley, Worcestershire, iron fitter.

*John Sherratt*, Berkeley-street, Lambeth, Surrey, card-case maker.

*Martha Sides*, widow, Shotatton, near Ruyton of the Eleven Towns, Shropshire, farmer.

*Alfred Harris Tanner*, Ebury-street, Pimlico, St. George's, Hanover-square, schoolmaster.

*Robert Levick*, High Holborn, St. Andrew, Middlesex, clerk to a warehouseman.

## INSOLVENT DEBTORS.

*The following Prisoners are ordered to be brought before the Court, in Portugal-st., on Saturday, Jan. 27 at 9.*

*David Valentine*, Deptford-bridge, Greenwich, Kent, saddler.—*John Oakley*, Triangle-place, Cambridge-road, Mile-end, Middlesex, fender manufacturer.—*William Billingham*, Parker-street, Pierson-street, Kingland-road, Middlesex, cabinet maker.—*John Hall*, Colonnade, Russell-square, Middlesex, marine-store dealer.—*Henry Trobridge*, Harford-place, Drury-lane, Middlesex, coach-lace weaver.—*Henry William Foster*, Upper Mary-le-bons-street, Portland-place, Middlesex, coach wheelwright.—*Henry Oldroyd*, Bowyer-place, Camberwell-road, Camberwell, Surrey, florist.—*Joseph Douglas*, King-street, Snow-hill, London, out of business.

*Jan. 29, at the same hour and place.*

*Sam. Shannon*, Portland-road, Regent's-park, Middlesex, out of business.—*Joseph Coster*, Bow-lane, Bromley, Middlesex, general dealer.—*Hen. Winks*, Garnant-place, Spa-fields, Middlesex, cabinet maker.—*Robert Gymer*, Griffiths'-rents, Bermondsey-street, Southwark, Surrey, lodging-house keeper.—*Robt. Lancaster*, Prescott-street, Goodman's-fields, Middlesex, butcher.—*Wm. Olliver*, Henry-street, Vassal-road, Brixton, Surrey, stamper at Somerset House.—*George Harry Pope*, Angel-street, St. Martin's-le-Grand, London, fishmonger.—*Thomas Wm. Willows*, sen., Fleet-street, London, fishmonger, and Hatfield-street, Blackfriars-road, Surrey, out of business.—*Wm. Booth*, High-street, Wandsworth, Surrey, builder.—*Sam. Lord*, sen., Maze-pond, Southwark, Surrey, out of business.—*Wm. Gun Mahon*, Maidenhead, Berkshire, out of business.

## MEETINGS.

*Anthony Bacon*, Major in her Majesty's Service, Jan. 25 at 11, Court-house, Portugal-street, Lincoln's-inn-fields, pr. d.—*John Culehaw*, Rufford, near Ormskirk, Lancashire, farmer, Jan. 25 at 10, Edge's, Ormskirk, sp. aff.



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